



Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/Appeal/118/2021/26

January 12, 2024

1. Muhammad Latif,
S/o. Muhammad Siddique,
R/o. Mohallah Mughalpura,
Gali Siraj Din Wali,
Tehsil & District Hafizabad
2. Chief Executive Officer,
GEPCO Ltd,
565-A, Model Town,
G. T. Road, Gujranwala
3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
4. Sub Divisional Officer,
GEPCO Ltd,
Sub Division No. 2,
Hafizabad
5. POI/Electric Inspector,
Gujranwala Region, Energy Department,
Govt. of Punjab, Munir Chowk,
Near Kacheri Road, Gujranwala

Subject: **Appeal No.118/2021 (GEPCO Vs. Muhammad Latif) Against the Decision Dated 28.04.2021 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala**

Please find enclosed herewith the decision of the Appellate Board dated 12.01.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.118/POI-2021

Gujranwala Electric Power Company Limited

.....Appellant

Versus

Muhammad Latif S/o. Muhammad Siddique,
R/o. Mohallah, Mughalpura, Gali Siraj Din Wali,
Tehsil & District Hafizabad

.....Respondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Faiz Rasool RO
Mr. M. Tahir Mushtaq SDO
Mr. Rizwan Siddique

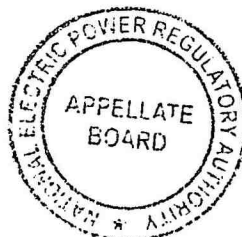
For the Respondent:

Nemo

DECISION

1. Through this decision, the appeal filed by the Gujranwala Electric Power Company Limited (hereinafter referred to as the "Appellant") against the decision dated 28.04.2021 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Latif (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-12245-1295205 with sanctioned load of 07k W and the applicable Tariff category is B-1(b). The Appellant has claimed that two phases of the billing meter of the Respondent were found dead stop, therefore impugned meter was replaced with a new meter vide meter change order (the "MCO") dated 18.07.2016 and sent to the Metering & Testing ("M&T") laboratory, which vide report dated 17.08.2016 confirmed 66% slowness in the impugned meter. Resultantly, a detection bill amounting to

Appeal No.118/POI-2021



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Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 was debited to the Respondent @ 66.66% slowness of the meter.

3. Being aggrieved, the Respondent assailed the above detection bill before the POI. The complaint of the Respondent was disposed of by the POI vide the decision dated 28.04.2021, wherein the detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 was cancelled. As per the POI decision, the Appellant may charge the revised detection bill for two months i.e. June 2016 and July 2016 @ 66% slowness of the meter to the Respondent.

4. Through the instant appeal, the afore-referred decision dated 28.04.2021 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds, (1) two phases of the billing meter of the Respondent were found defective in July 2016, therefore a detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 was debited to the Respondent; (2) the POI failed to analyze consumption data in true perspective and erred in holding that the above detection bill as null and void; (3) the Respondent did not serve notice prior filing complaint to the POI as required under Section 26(6) of the Electricity Act, 1910; and the impugned decision is liable to be set aside.

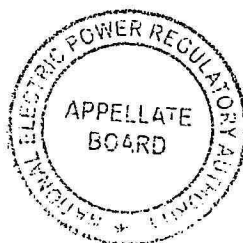
5. Proceedings by the Appellate Board

5.1 Upon filing of the instant appeal, a notice dated 11.11.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent however did not submit the reply to the Appeal.

6. Hearing

6.1 Hearing was initially conducted at NEPRA Regional Office Lahore on 03.06.2023 wherein both the Appellant as well as the Respondent failed to appear. In order to provide an opportunity for hearing to both parties, the case was adjourned till the next date.

6.2 Finally, the hearing was held on 16.12.2023, wherein a counsel along with officials appeared for the Appellant, and again no one appeared for the Respondent. Counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that two





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phases of the billing meter of the Respondent were found dead stop in July 2016, as such the detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 was debited to the Respondent. As per learned counsel for the Appellant, the impugned decision for cancellation of the above detection bill is unjustified and the same is liable to be struck down.

7. Arguments heard and the record perused. Following are our observations:

7.1 Objection regarding prior notice before approaching the POI:

As regards another objection of the Appellant for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under Section 38 of the NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before approaching the POI. The above objection of the Appellant is not valid and, therefore overruled.

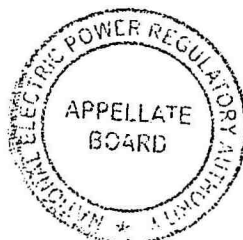
7.2 Detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016

The Appellant claimed that the billing meter of the Respondent was found 66% slow due to two phases being dead in July 2016, therefore it was replaced with a new meter vide MCO dated 18.07.2016. Subsequently, a detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 was issued to the Respondent @ 66% slowness of the meter, which was assailed by him before the POI. The Appellant has filed this appeal defending the above detection bill charged to the Respondent and prayed for setting aside the impugned decision.

7.3 Two phases of the billing meter of the Respondent were allegedly discovered as dead stop by the Appellant in July 2016, hence the Appellant is liable to debit the detection bill maximum for two billing cycles in case of a slow meter as per Clause 4.4(e) of the CSM-210. However, in the instant case, the Appellant debited the detection bill for eleven months, which is inconsistent with the foregoing clause of the CSM-2010. Hence, we are inclined to agree with the determination of POI for cancellation of the detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 and the same is liable to be maintained to this extent.

7.4 66% slowness in the impugned meter was observed in July 2016 and it was replaced with a new meter vide MCO dated 18.07.2016, hence the Respondent is liable to be charged the

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detection bill for two billing cycles @ 66% slowness of the meter as per Clause 4.4(e) of the CSM-2010 and the bill with enhanced MF for the period from 13.07.2016 (meter reading date) to 18.07.2016 (date of MCO) due to 66% slowness of the meter as per Clause 4.4(c) of the CSM-2010. The impugned decision is liable to be modified to this extent.

8. Summing up the foregoing discussion, we conclude that:

8.1 The detection bill of Rs.1,031,620/- against 57,011 units for eleven months for the period from September 2015 to July 2016 charged to the Respondent due to 66% slowness of the meter is declared null and void.


8.2 The Respondent may be charged the revised detection bill for two billing cycles @ 66% slowness of the meter as per Clause 4.4(e) of the CSM-2010 prior to checking and the bill with enhanced MF for the period from 13.07.2016 (meter reading date) to 18.07.2016 (date of MCO) @ 66% slowness as per Clause 4.4(c) of the CSM-2010.

8.3 The billing account of the Respondent may be overhauled after adjustment of the payments made against the above detection bill.

9. The Appeal is disposed of in the above terms.

On leave
Abid Hussain
Member


Naweed Illahi Sheikh
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 12-01-2024

