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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 **Fax No.** +92 051 2600030
Website: www.nepra.org.pk **E-mail:** office@nepra.org.pk

No. NEPRA/Appeal/189/POI/2019/ 1043 December 28, 2021

1 Khalil Ahmed,
S/o. Hamid Khan,
Prop: Tube-Well,
Mouza Hota Hatowani, Taunsa Sharf,
District Dera Ghazi Khan

2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan

3. Sardar Mazhar Abbas Mahar,
Advocate High Court,
45-Zikriya Block, District Courts,
Multan

4. Executive Engineer (Operation),
MEPCO Ltd,
Taunsa Sharif Division, Tanusa

5. Sub Divisional Officer (Op),
MEPCO Ltd,
Shadan Lund Sub Division,
Shadan Lund

6. POI/Electric Inspector,
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan

Subject: **Appeal Titled MEPCO Vs. Khalil Ahmed Against the Decision Dated 29.11.2018 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 10.12.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

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

Before Appellate Board

In the matter of

Appeal No. 189/POI-2019

Multan Electric Power Company Limited .....Appellant

Versus

Khalil Ahmed S/o Hamid Khan, Prop: Tube Well
located at Mouza Hota, Hatowani, Taunsa Sharif,
District Dera Ghazi Khan .....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 29.11.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION, MULTAN

For the Appellant:
Sardar Mazhar Abbas Advocate
Mr. Khalid Mahmood RO
Mr. Mohsin Shahzad Clerk

For the Respondent:
Nemo

DECISION

1. As per facts of the case, the Respondent is an agricultural consumer of the Multan Electric Power Company Limited (MEPCO) having Ref No.29-15264-1499109 with a sanctioned load of 37 kW under the D-1b Tariff. The display of the billing meter of the Respondent became defective in June 2018, hence, the electric supply of the Respondent was disconnected by the MEPCO on 27.06.2018 on his request. MEPCO charged the bills with the DEF-EST code for two months i.e. June 2018 and July 2018 due to the defective meter. Subsequently, the defective meter of the Respondent was

replaced with a new meter in August 2018 and the electric supply of the Respondent was restored by the MEPCO accordingly.

2. Being dissatisfied, the Respondent filed a complaint before the Provincial Office of Inspection, Multan Region, Multan (the POI) and challenged the bills for the months i.e. June 2018 and July 2018. The POI disposed of the matter vide decision dated 29.11.2018, wherein the bills for the months i.e. June 2018 and July 2018 along with late payment surcharges (LPS) were declared as null and void and the MEPCO was directed to charge the bill for June 2018 for the cost of 4,560 units as recorded in June 2017. The MEPCO was further directed to overhaul the billing account of the Respondent.

3. Being dissatisfied with the decision dated 29.11.2018 of the POI (hereinafter referred to as the impugned decision), the MEPCO has filed the instant appeal before the NEPRA. In its appeal, the MEPCO contended that the display of the billing meter of the Respondent became defective, therefore the bills for the months i.e. June 2018 and July 2018 were debited to the Respondent on DEF-EST code but the Respondent defaulted in making payment of the said bills which resulted in the arrears of Rs.214,086/-. MEPCO opposed the impugned decision, inter alia, on the following grounds; (1) the POI had failed to see the case in letter and spirit and the policy formulated in the Consumer Service Manual (CSM) and passed the impugned decision on surmises and conjectures; (2) the matter exclusively within the domain of the Civil Court and the POI has no lawful jurisdiction to decide this matter; (3) the POI did not apply the judicious mind while deciding the case and; (3) the impugned decision may

be set aside.

4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which however were not filed.

5. Hearing of the appeal was held at the NEPRA Regional Office Multan on 25.10.2021 in which both the parties were in attendance. Learned counsel for the MEPCO reiterated the same arguments as given in memo of the appeal and contended that the bills for the months i.e. June 2018 and July 2018 were debited to the Respondent on DEF-EST code due to the washed display. Learned counsel for the MEPCO further contended that the above bills are justified and payable by the Respondent. Learned counsel for the MEPCO prayed for setting the impugned decision.

6. Arguments were heard, the record was perused and our observations are as under:

   i. MEPCO raised the preliminary objection that the instant matter falls within the domain of Civil Court and the POI has no jurisdiction to adjudicate the same matter. It is noted that the matter pertains to the billing due to a defective meter, therefore the POI is empowered to entertain such disputes pursuant to Section 38 of the NEPRA Act, 1997. Moreover, the honorable Supreme Court of Pakistan vide judgment reported in PLD 2012 SC 371 authorized the POI to adjudicate disputes of such nature. Hence objection of MEPCO in this regard is overruled.

   ii. The display of the Respondent's billing meter became vanished on 08.06.2018 and

the MEPCO charged the bills on the DEF-EST code basis for the months i.e. June 2018 and July 2018, which were agitated before the POI.

iii. Examination of record shows that the Respondent approached the MEPCO for temporary disconnection of electric supply to avoid the estimated billing and the supply was disconnected by the MEPCO on 27.06.2018. Subsequently, the defective meter of the Respondent was replaced with a new meter by the MEPCO in August 2018 and the electric supply of the Respondent was restored. Since the electric supply of the Respondent was disconnected on 27.06.2018, hence the Respondent is liable to be charged the bill till 27.06.2018 for the month of June 2018 and no recovery could be made for the month of July 2018. Hence, the bill for July 2018 charged by the MEPCO to the Respondent is unjustified and the same is liable to be cancelled as already determined by the POI.

iv. According to Clause 4.4 of the CSM, the Consumer can be charged the detection bill on the basis of 100% consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher. MEPCO claimed that the bill of June 2018 was charged on the DEF-EST code. To ascertain the contention of MEPCO with respect to the bill of June 2018, analysis is done in the below table:

Bill of June 2018 already charged	Bill of June 2017	Average bills of eleven months i.e. July 2017 to May 2018
10,084 units	4,554 units	=98,937÷11 = 8,994 units

As evident from the above table, the Respondent is liable to be charged the bill of June 2018 for 8,994 units as recorded during the last eleven months i.e. July 2017

to May 2018 being higher. Hence, both the charging of the bill of 10,084 units for June 2018 by the MEPCO and the determination of the POI for revision of the same for 4,560 units are incorrect being inconsistent with Clause 4.4(e) of the CSM and the same are liable to be set aside.

7. Summing up the foregoing discussion it is concluded that the impugned decision to the extent of cancellation of the bills for June 2018 and July 2018 two (2) months is correct and maintained. The Respondent should be charged the revised bill for June 2018 for 8,994 units. The billing account of the Respondent should be revised after making adjustments of payments made against the above bills.

8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 10.12.2021

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
APPELLATE BOARD