



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

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No. NEPRA/Appeal/224/POI/2019/ 164


March 04, 2021

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|--|---|
| 1. Hammad Raza Jaskani
S/o. Dr. Ashiq Hussain,
R/o. Mangrotha Gharbi,
Tehsil Taunsa Sharif,
District Dera Ghazi Khan | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Aamir Aziz Qazi
Advocate High Court,
130-Old Block,
District Court, Multan | 4. Sub Divisional Officer (Op),
MEPCO Ltd,
Rural Sub Division,
Taunsa Sharif |
| 5. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan | |

Subject: **Appeal Titled MEPCO Vs. Hammad Raza Jaskani Against the Decision Dated 19.04.2019 Provincial Office of Inspection to Government of the Punjab Multan Region, Multan**

Please find enclosed herewith the decision of the Appellate Board dated 03.03.2021, 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



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 224/POI-2019

Multan Electric Power Company Limited

.....Appellant

Versus

Hammad Raza Jaskani S/o Dr. Ashiq Hussain R/o Mangrotha Gharbi
Tehsil Tounsa 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 19.04.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION, MULTAN

For the appellant:

Mr. Aamir Aziz Qazi Advocate

For the respondent:

Mr. Hammad Raza

DECISION

1. As per facts of the case, the respondent is a domestic consumer of Multan Electric Power Company Limited (MEPCO) having connection bearing Ref No.13-15265-0864000 with a sanctioned load of 1 kW under A-1(a) tariff. The display of the billing meter of the respondent became defective in December 2016, hence MEPCO charged the billing with DEF-EST code w.e.f December 2016 and onwards till the replacement of defective billing meter on 09.08.2017. Besides, three detection bills were debited to the respondent as per the detail given below:

- i. First detection bill of 125 units charged in February 2017
- ii. Second detection bill of 112 units charged in June 2017.
- iii. Third detection bill of 396 units charged in July 2017.



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Subsequently, the removed billing meter was sent to the metering and testing (M&T) MEPCO laboratory for checking, wherein 13,287 units were found uncharged as per data retrieval report dated 06.11.2017. Resultantly, another detection bill (hereinafter referred to as fourth detection bill) amounting to Rs.271,771/- for 13,287 units for twenty-four months was debited to the respondent by MEPCO on account of balance units and added in the bill for December 2017. The respondent made partial payments against the fourth detection bill and the electric supply was disconnected by MEPCO due to nonpayment of the remaining amount of the fourth detection bill in March 2018.

2. Subsequently, the respondent filed a complaint before NEPRA against the aforementioned fourth detection bill. Additional Director General (CAD) NEPRA vide letter dated 07.08.2018 referred the matter to the Provincial Office of Inspection (POI) for the decision. POI disposed of the matter vide its decision dated 19.04.2019, wherein the fourth detection bill of Rs.271,771/- for 13,287 units for twenty-four months was declared as null and void. MEPCO was directed to overhaul the billing account of the respondent and restored the electric supply.
3. Being dissatisfied with the decision dated 19.04.2019 of POI (hereinafter referred to as the impugned decision), MEPCO has filed the instant appeal before NEPRA, wherein it is contended that the billing meter of the respondent became defective which was removed and sent to M&T MEPCO laboratory, wherein 13,287 units were found pending as per data retrieval report, hence the fourth detection bill of Rs.271,771/- for 13,287 units for twenty-four months was charged to the respondent in December 2017. MEPCO

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termed the above detection bill as legal, valid and justified and payable by the respondent.

MEPCO opposed the impugned decisions inter alia, on the grounds that the POI had failed to see the case in letter and spirit, which resulted in a miscarriage of justice; that the POI has not given cogent reasons and did not apply the conscientious mind and that 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 NEPRA Regional Office Multan on 15.02.2021 in which both the parties were in attendance. Learned counsel for MEPCO reiterated the same arguments as given in memo of the appeal and contended that the defective meter was replaced with a new meter by MEPCO in August 2017 and checked in M&T MEPCO, wherein 13,287 units were found pending in the defective meter. MEPCO further contended that the fourth detection bill of Rs.271,771/- for 13,287 units was charged to the respondent against which he paid 3 installments in May 2018, June 2018, and August 2018. As per learned counsel for MEPCO, the above detection bill is justified and payable by the respondent. Conversely, the respondent argued that the partial payments against the fourth detection bill were done to avoid disconnection of supply. The respondent supported the impugned decision and prayed that the same may be maintained.



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6. Arguments were heard and the record was perused. It is observed as under:
- The display of the respondent's meter became vanished in December 2016, hence MEPCO fed DEF-ST code w.e.f December 2016 and onwards till the replacement of the defective billing meter in August 2017. MEPCO found 13,287 uncharged units in the defective billing meter and charged the fourth detection bill of Rs.271,771/- for 13,287 units for twenty-four months to the respondent, which was agitated by him before POI.
 - It is observed that the fourth detection bill was charged for a period of 24 months by MEPCO based on the data retrieval report dated 06.11.2017. However, MEPCO neither associated the respondent during M&T checking nor produced the disputed billing meter before POI for checking. Besides no discrepancy of display washed was observed in the disputed billing meter by the MEPCO meter reader during the monthly readings till December 2016. To further check the justification of the above fourth detection bill, we have compared the detection units with the units assessed as per the formula given in Annex-VIII of the Consumer Service Manual (CSM) in the below table:

Detection units/month	Units/month chargeable as per CSM
$\frac{\text{Total units}}{\text{Total months}} = \frac{13,287}{24} = 554 \text{ units}$	$\begin{aligned} &= \text{Connected load} \times \text{LF} \times \text{Hrs.} \\ &= 3 \times 0.15 \times 730 = 328 \text{ units} \end{aligned}$

From the above table, it is transpired that the detection units charged @ 554 units/month during the disputed period 24 months are much higher than the units assessed

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as per CSM. Hence, there is no justification to charge the fourth detection bill of Rs.271,771/- for 13,287 units for twenty-four months to the respondent and liable to be cancelled as already determined in the impugned decision.

iii. The discrepancy of display washed in the respondent's meter was noticed by MEPCO in December 2016 and onward billing was done on DEF-EST code. Pursuant to clause 4.4 of CSM, the respondent may be charged the detection bill for two retrospective months i.e. October 2016 and November 2016 in case of a defective billing meter.

Impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion it is concluded that the impugned decision to the extent of cancellation of detection bill of Rs.271,771/- for 13,287 units for twenty-four months is correct and maintained. The respondent may be charged the fourth detection bill for two months i.e. October 2016 and November 2016 due to the defective meter. The billing account of the respondent may be revised after making adjustments of payments made (if any) against the above bills.

8. Impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman
Member/SA (Finance)

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 03.03.2021