



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

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No. NEPRA/Appeal/226/POI/2019/ 165


March 04, 2021

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| 1. Shair Muhammad
S/o. Ghulam Haider,
R/o. Basti Langah, Tehsil Taunsa Sharif,
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 Division, Taunsa Sharif |
| 5. Sub Divisional Officer (Op),
MEPCO Ltd,
Rural Sub Division,
Taunsa Sharif | 6. POI/Electric Inspector
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan |

Subject: **Appeal Titled MEPCO Vs. Shair Muhammad Against the Decision Dated 16.04.2019 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. 226/POI-2019

Multan Electric Power Company Limited

.....Appellant

Versus

Shair Muhammad S/o Ghulam Haider R/o Basti Langah,
Tehsil Taunsa Sharif, 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 16.04.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION MULTAN REGION, MULTAN

For the appellant:

Sardar Mazhar Abbas Advocate

For the respondent:

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DECISION

1. Briefly speaking, the respondent is a domestic consumer of Multan Electric Power Company Limited (MEPCO) bearing RefNo.05-15265-1367407 with a sanctioned load of 2 kW under A-1(a) tariff. The display of the billing meter of the respondent was found defective by MEPCO in November 2016, hence MEPCO charged the bills with DEF-EST code w.e.f November 2016 and onwards till the replacement of the defective billing meter in September 2017. Subsequently, the removed meter was sent to the metering and testing (M&T) MEPCO for checking, wherein 6,384 units were found uncharged as per data retrieval report dated 06.11.2017. Resultantly, a detection bill

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amounting to Rs.100,308/- for 6,384 units was debited to the respondent by MEPCO on account of balance units and added in the bill for January 2018 against which he paid 4 installments each amounting to Rs.10,000/-.

2. The respondent was aggrieved with the actions of MEPCO, hence filed a complaint before the Provincial Office of Inspection (POI) against the above detection bill. POI vide decision dated 16.04.2019 declared the detection bill of Rs.100,308/- for 6,384 units as null and void. As per POI decision, MEPCO may charge the bills w.e.f March 2016 to September 2017 on DEF-EST Code to the respondent as per clause 4.4 of the Consumer Service Manual (CSM).
3. Subject appeal has been filed the decision dated 16.04.2019 of POI (hereinafter referred to as the impugned decision) 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 6,384 units were found pending as per data retrieval report, hence the detection bill of Rs.100,308/- for 6,384 units was charged to the respondent. MEPCO termed the above detection bill as legal, valid and justified and payable by the respondent and stated that the respondent has paid Rs.40,000/- against the above detection bill. As per MEPCO, POI has failed to see the case in letter, spirit, the policy formulated in the CSM and passed the impugned decision on surmises and conjectures. According to MEPCO, the matter exclusively falls within the domain of the Civil Court and the POI has no lawful authority to decide the same. MEPCO submitted that the POI has not applied his judicious mind and rendered the impugned decision contrary to the facts and

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law. MEPCO finally prayed for setting aside the impugned decision.

4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
5. Notice was issued and hearing of the appeal was conducted in NEPRA Regional Office Multan on 15.02.2021, which was attended only by the learned counsel for MEPCO and no one represented the respondent. 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 September 2017 and checked in M&T MEPCO, wherein 6,384 units were found pending in the defective meter. MEPCO further contended that the detection bill of Rs.100,308/- for 6,384 units was charged to the respondent against which he paid 4 installments total amounting to Rs.40,000/-. As per learned counsel for MEPCO, the above detection bill is justified and payable by the respondent.
6. Arguments heard and the record was perused. Findings of the Appellate Board are as under:
 - i. MEPCO raised the preliminary objection that the instant matter falls within the domain of Civil Court and the POI lacks jurisdiction to adjudicate the same. It is noted that the matter pertains to the billing due to a defective meter and 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



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in PLD 2012 SC 371 authorized POI to adjudicate the disputes of such nature. Hence objection of MEPCO in this regard is overruled.

- ii. The display of the respondent's meter was found vanished in November 2016, hence MEPCO fed DEF-EST code w.e.f December 2016 and onwards till the replacement of the defective billing meter in September 2017. Subsequently, MEPCO found 6,384 uncharged units in the defective meter and charged the detection bill of Rs.100,308/- for 6,384 units to the respondent, which was agitated by him before POI.
- iii. MEPCO charged 6,384 units as detection bill as per 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 the washed display was observed in the disputed billing meter by MEPCO meter reader during the monthly readings till November 2016. Hence, there is no justification to charge the detection bill of Rs.100,308/- for 6,384 units to the respondent and should be cancelled as already determined in the impugned decision.
- iv. Perusal of consumption data as provided by MEPCO reveals that a considerable drop was observed in the consumption from March 2016 and onwards. It would be judicious to charge the bills on the DEF-EST code from March 2016 to September 2017 due to a defective billing meter, which is also the determination of POI.
- v. The billing account of the respondent may be revised after making adjustments of



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payments made (if any) against the above detection bill.

7. In view of the above, the appeal is dismissed.

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

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 03.03.2021