



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/Appcal/068/POI/2020/ 3/6

March 29, 2022

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| 1. Tariq Saeed,
S/o. Hafiz Saeed,
R/o. New Abadi Shadan Lund,
Tehsil & District Dera Ghazi Khan | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Executive Engineer (Op),
MEPCO Ltd,
Taunsa Sharif Division,
Taunsa Sharif | 4. POI/Electric Inspector,
Multan Region,
249-G, Shah Rukn-e-Alam Colony,
Phase II, Multan |

Subject: **Appeal Titled MEPCO Vs. Tariq Saeed Against the Decision Dated 26.09.2019**
Provincial Office of Inspection to Government of the Punjab Multan Region,
Multan

Please find enclosed herewith the decision of the Appellate Board dated 15.03.2022, 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.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.068/POI-2020

Multan Electric Power Company Limited

.....Appellant

Versus

Tariq Saeed S/o Hafiz Saeed, R/o New Abadi Shadan Lund,
Tehsil & 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 26.06.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION MULTAN REGION, MULTAN**

For the Appellant:

Mr. Khalid Mehmood RO
Mr. Mohsin Shahzad Assistant

For the Respondent:

Nemo

DECISION

1. As per facts of the case, the Respondent is a domestic consumer of the Multan Electric Power Company Limited (MEPCO) having Ref No.05-15264-05023004 with sanctioned load of 2 kW under the A-1(a) tariff category. The display of the billing meter of the Respondent was found defective on 13.01.2019, therefore the MEPCO charged the bills for the months i.e. January 2019 and February 2019 with DEF-EST code. Meanwhile, a detection bill of Rs.19,330/- for net 1,217 units for the period November 2018 to January 2019 (3 months) was charged to the Respondent by the MEPCO on the basis of connected load and added in the bill for February 2019.
2. Being dissatisfied, the Respondent filed a complaint before the Provincial Office of



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Inspection, Multan Region, Multan (the POI) on 07.03.2019 and challenged the above detection bill. The POI disposed of the matter vide decision dated 26.06.2019, wherein the detection bill of Rs.19,330/- for net 1,217 units for the period November 2018 to January 2019 was cancelled and the MEPCO was directed to overhaul the billing account of the Respondent.

3. Being aggrieved with the decision dated 26.06.2019 of the POI (hereinafter referred to as the impugned decision), the MEPCO has filed instant appeal before the NEPRA. In its appeal, the MEPCO opposed the impugned decision inter alia, on the following grounds; (1) the POI has no lawful jurisdiction to decide the theft case and the instant matter falls within the domain of the Civil Court; (2) the Representative for the Respondent has no locus standi as he is notorious tout having criminal record of theft of electricity; (2) the representative for the Respondent is a habitual stealer of electricity and several FIRs are registered against him; (3) various complaints including the instant case were filed by the said tout before the POI; (4) the premises of the Respondent was checked on 13.01.2019 and the billing meter was found defective with display washed and the connected load noticed was higher than the sanctioned load; (5) the detection bill of Rs.19,330/- for 1,217 units for the period November 2018 to January 2019 charged by the MEPCO to the Respondent is correct and justified; and (6) nominal consumption was recorded even in the summer season but the POI afforded the undue credit of 1,217 units without any solid justification.
4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which were filed on 26.10.2020. In his reply, the Respondent contended that the POI is legally empowered to decide the metering, billing, and collection of tariff disputes under Section 38 of the NEPRA Act 1997. The Respondent further contended that the



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impugned decision is within four corners of law and holds every authenticity as per applicable law. As per Respondent, the MEPCO violated chapter 4 of the Consumer Service Manual (CSM) while charging the detection bill of Rs.19,330/- for 1,217 units for the period November 2018 to January 2019 due to the defective meter. According to the Respondent, the POI has minutely analyzed the consumption data and rightly declared the above detection bill as illegal, unlawful. The Respondent finally prayed for upholding the impugned decision.

5. Hearing of the appeal was held at the NEPRA Regional Office Multan on 03.02.2022 in which the MEPCO officials were in attendance but no one appeared for the Respondent. MEPCO officials reiterated the same arguments as given in memo of the appeal and averred that display of the billing meter of the Respondent was found vanished during the MEPCO checking dated 13.01.2019, therefore, the detection bill of Rs.19,330/- for 1,217 units for the period November 2018 to January 2019 was debited to the Respondent. MEPCO submitted that the consumption of the Respondent increased after the replacement of the defective meter during the period August 2019 to October 2019. As per MEPCO, the above detection bill was charged based on connected load and in line with the provisions of the CSM. The MEPCO finally prayed for setting aside the impugned decision.
6. Arguments were heard, the record was perused. It is observed 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



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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. MEPCO raised another objection regarding the authorization of Mr. Abdul Malik the representative for the Respondent. In this regard, it is clarified that Mr. Abdul Malik neither filed reply/para-wise to the appeal nor attended the hearing on behalf of the Respondent. Hence the objection of the MEPCO is irrelevant and rejected.
- iii. The detection bill of Rs.19,330/- for net 1,217 units for the period November 2018 to January 2019 (3 months) was debited to the Respondent by the MEPCO due to the defective meter, which was assailed by him before the POI.
- iv. It is noticed that the above detection bill was charged for a period of three months and the basis of charging the said detection bill was made on the connected load, which is inconsistent with Clause 4.4 of the CSM. Said Clause of the CSM allows MEPCO to charge the detection bill maximum for two months in case of a defective meter. From the foregoing reasons, we hold that the detection bill of Rs.19,330/- for 1,217 units for the period November 2018 to January 2019 charged by the MEPCO to the Respondent is unjustified and rightly cancelled by the POI.
- v. Since the meter of the Respondent was found defective on 13.01.2019, hence the Respondent may be charged the detection bill maximum for two months i.e. December 2018 and January 2019 as per Clause 4.4 of the CSM. However in the instant case, MEPCO had already debited the bill of January 2019 with DEF-EST code, therefore the detection bill of remaining one month i.e. December 2018 is recoverable from the Respondent and the basis of the bill of December 2018 be made on 100% consumption of December 2017 or average consumption of last



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eleven months i.e. January 2018 to November 2018, whichever is higher. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded that the impugned decision for cancellation of the detection bill of Rs.19,330/- for net 1,217 units for the period November 2018 to January 2019 charged by the MEPCO is correct and maintained to this extent. The Respondent may be charged the revised detection bill for December 2018 as per consumption of December 2017 or average consumption of last eleven months i.e. January 2018 to November 2018, whichever is higher. The billing account of the Respondent may be overhauled accordingly.
8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 15.03.2022

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