



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

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No. NEPRA/Appeal/069/POI/2020/ 3/7

March 29, 2022

- |  |  |
|--|--|
| 1. Muhammad Atta Ullah,<br>S/o. Wahid Bux,<br>Through Aqib Zia, R/o. Basti Kala,<br>Shadan Lund, Tehsil Taunsa Sharif,<br>District Dera Ghazi Khan | 2. Chief Executive Officer,<br>MEPCO Ltd,<br>MEPCO Complex, Khanewal Road,<br>Multan                 |
| 3. Executive Engineer (Op),<br>MEPCO Ltd,<br>Taunsa Sharif Division,<br>Taunsa Sharif  | 4. POI/Electric Inspector,<br>Multan Region,<br>249-G, Shah Ruken-e-Alam Colony,<br>Phase II, Multan |

Subject: **Appeal Titled MEPCO Vs. Muhammad Atta Ullah 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 Appellate Board

In the matter of

## Appeal No.069/POI-2020

Multan Electric Power Company Limited

.....Appellant

Versus

Muhammad Atta Ullah S/o Wahid Bux, Through Aqib Zia,  
R/o. Basti Kala, Shadan Lund Tehsil 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 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.1615264-1156000 with a sanctioned load of 1 kW under the A-1 tariff category. The billing meter of the Respondent was found defective in May 2018, therefore the MEPCO fed the DEF-EST code in June 2018. The disputed billing meter was again checked by the Metering and Testing (M&T) MEPCO on 27.07.2018 and reportedly its defectiveness was confirmed and the connected load of the Respondent was observed as 5 kW.



## National Electric Power Regulatory Authority

Notice dated 30.08.2018 was issued to the Respondent regarding the above discrepancy. Subsequently, a detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 (3 months) was charged to the Respondent by the MEPCO on the basis of 30% load factor of the connected load and added to the bill for February 2019.

2. Being dissatisfied, the Respondent filed a complaint before the Provincial Office of 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 amounting to Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 was cancelled and the MEPCO was directed to charge the revised bills for April 2018, May 2018, and August 2018 on DEF-EST code as per Clause 4.4 of the Consumer Service Manual (CSM).
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 objected to the maintainability of 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 were registered against him; (3) various complaint including the instant case were filed by the said tout before the POI; (4) the connection of the Respondent was checked on 27.08.2018 and the billing meter was



## National Electric Power Regulatory Authority

found defective and the connected load noticed was higher than the sanctioned load; (5) the detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 charged by the MEPCO to the Respondent is correct and justified; and (6) the POI did not consider the low consumption recorded for the period November 2017 to March 2018; and (7) POI afforded the undue credit of 2,575 units without any solid justification. MEPCO finally prayed for setting aside the impugned decision.

4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which were filed on 20.10.2020. In his reply, the Respondent contended that the detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 was prepared based on the unilateral checking report of M&T MEPCO. The Respondent further 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. As per Respondent, the entire amount of the above detection bill was paid under protest in order to restore the electricity of the premises. According to the Respondent, the POI has minutely analyzed the consumption data and rightly concluded that the bills for April 2018, May 2018, and August 2018 be charged @ DEF-EST code in line with Clause 4.4 of the CSM. The Respondent rebutted the contentions of the MEPCO and submitted that Mr. Abdul Malik is a social worker and helps the uneducated villagers in fighting against illegal acts of the MEPCO. The Respondent further submitted that the monthly average consumption recorded during the years 2016, 2017 and 2019 confirms that the connected load of the premises was less than 5 kW, which



## National Electric Power Regulatory Authority

negates the claim of MEPCO. 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 the billing meter of the Respondent was found defective and the connected load was noticed as 5 kW during the M&T MEPCO checking dated 27.07.2018, therefore, the detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 was debited to the Respondent. MEPCO submitted that the consumption of the Respondent increased after the disputed period, therefore the above detection bill charged to the Respondent is justified and payable. 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 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



## National Electric Power Regulatory Authority

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.61,529/- for 2,575 units for the period June 2018 to August 2018 (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 meter was found defective during the M&T MEPCO checking dated 27.07.2018, however, 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 for two months in case of a defective meter. From the foregoing reasons, we hold that the detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 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 by the M&T MEPCO on 27.07.2018, hence the Respondent may be charged the detection bill maximum for two months i.e. June 2018 and July 2018 as per Clause 4.4 of the CSM. However, in the instant case, MEPCO had already debited the bill of June 2018 with DEF-EST code, therefore the detection bill of remaining one month i.e. July 2018 is recoverable from the Respondent on the basis of 100% consumption of July 2017 or average consumption of last eleven months i.e. August 2017 to June 2018,



## National Electric Power Regulatory Authority

whichever is higher. The impugned decision is liable to be modified to this extent.

vi. The impugned decision with regard to the billing for April 2018, May 2018, and August 2018 was accepted by the MEPCO, hence the same is liable to be maintained to this extent.

7. Summing up the foregoing discussion, it is concluded that the impugned decision for cancellation of the detection bill of Rs.61,529/- for 2,575 units for the period June 2018 to August 2018 charged by the MEPCO is correct and maintained to this extent. The Respondent may be charged the revised detection bill for July 2018 as per consumption of July 2017 or average consumption of last eleven months i.e. August 2017 to June 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