



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

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No. NEPRA/Appeal/080/POI/2020/ *1067*

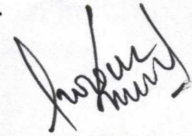
January 03, 2022

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| 1. Muhammad Abdul Rab,
S/o. Rab Nawaz,
R/o. Chah Peer Wala,
Jhoke Lashkar Pur, Vehari Road,
Multan | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Shahbaz Ahmed Qureshi,
Advocate High Court,
06-Justice Tariq Mahmood Khan Block,
District Courts, Multan | 4. Sub Divisional Officer (Op),
MEPCO Ltd,
Shah Rukah-e-Alam Sub Division,
Multan |
| 5. POI/Electric Inspector,
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan | |

Subject: **Appeal Titled Abdul Rab Vs. MEPCO Against the Decision Dated 16.03.2020**
Provincial Office of Inspection to Government of the Punjab Multan Region,
Multan

Please find enclosed herewith the decision of the Appellate Board dated 24.12.2021, 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



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.080/POI-2020

Muhammad Abdul Rab S/o Rab Nawaz R/o Chah Peert Wala,
Jhoke Lashkar Pur, Vehari Road, Multan

.....Appellant

Versus

Multan Electric Power Company Limited

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 16.03.2020 PASSED BY PROVINCIAL OFFICE OF INSPECTION, MULTAN REGION, MULTAN

For the Appellant:

Mr. Sajjad Hussain Advocate
Mr. Muhammad Abdul Rab

For the Respondent:

Mr. Kazim Hussain SDO
Mr. Shahzad Abbas Gill

DECISION

1. Brief facts of the case are that the Appellant is an agricultural consumer of the Multan Electric Power Company (the MEPCO) bearing Ref No.29-15191-0728901 having a sanctioned load of 15 kW under the D-1(b) tariff. Reportedly, the billing meter of the Appellant was found 66% slow during the Metering and Testing (M&T) MEPCO dated 16.05.2013. Consequently, a detection bill amounting to Rs.358,764/- for 22,906 units for the period August 2012 to April 2013 nine (9) months was debited to the Appellant @ 66% slowness of the billing meter. Later on, the billing meter of the

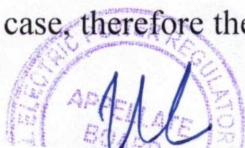




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Appellant was replaced with a new meter by the MEPCO in June 2013.

2. Being aggrieved, the Appellant initially filed a Suit before the Civil Court, Multan and challenged the above detection bill. The Honorable Civil Court vide the order dated 17.04.2019 referred the matter to the Provincial Office of Inspection, Multan Region, Multan (the POI) for the decision. Accordingly, the Appellant filed an application before the POI on 29.04.2019 against the charging of the above-said detection bill. The complaint of the Appellant was disposed of by the POI vide decision dated 16.03.2020 (hereinafter referred to as the impugned decision), in which the detection bill of Rs.358,764/- for 22,906 units for the period August 2012 to April 2013 nine (9) months was declared as null and void. However, the MEPCO was directed to charge the bills w.e.f December 2012 and onwards till the replacement of the defective meter in June 2013 as per Clause 4.4 of the Consumer Service Manual (CSM). The MEPCO was further directed to overhaul the billing account of the Appellant.
3. The appeal in hand has been filed against the impugned decision before the NEPRA in which the Appellant contended that the detection bill of Rs.358,764/- for 22,906 units for the period August 2012 to April 2013 nine (9) months was charged in violation of the CSM, which was ignored by the POI while deciding the matter. The Appellant further contended that the dispute of billing should be dealt with as per Clause 4.4 of the CSM, which allows the MEPCO to charge the bills for two (2) months only, as such the detection bill allowed by the POI for the period December 2012 to June 2013 is unjustified. As per the Appellant, the POI has not applied his judicial mind while deciding the case, therefore the impugned decision is liable to be





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set aside.

4. Notice of the appeal was issued to the MEPCO for filing reply/para-wise comments, which however were not submitted.
5. Hearing of the appeal was held at the NEPRA Regional Office Multan on 09.12.2021, which was attended by both parties. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and stated that both the charging of the detection bill of Rs.358,764/- for nine (9) months by the MEPCO and revision of the same for seven (7) months by the POI are violative of Clause 4.4 of the CSM. The Appellant prayed for revision of the above detection bill for two (2) months due to the defective meter as per the ibid Clause of the CSM. On the other hand, SDO MEPCO defended the impugned decision for revision of the above detection bill for seven (7) months and submitted that it is based on facts and after the perusal of the consumption data. SDO MEPCO finally prayed that the impugned decision is liable to be maintained.
6. Arguments heard, the record examined and our observations are as under:
 - i. 66% slowness was observed in the billing meter of the Appellant during the MEPCO checking dated 16.05.2013, hence the detection bill of Rs.358,764/- for 22,906 units for the period August 2012 to April 2013 nine (9) months was debited to the Appellant. The disputed billing meter was replaced with a new meter by the MEPCO in June 2013. The Appellant agitated the above detection bill before the POI.





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ii. It is observed that 66% slowness in the billing meter of the Appellant could not be ascertained by the POI due to its replacement by the MEPCO. It is further observed that the above detection bill was charged for a period of nine (9) months to the Appellant due to a defective/slow meter, which is a contravention of Clause 4.4 of the CSM. Said Clause of the CSM allows the MEPCO to recover the detection bill maximum for two (2) months only. Similarly, the findings of the POI to allow the MEPCO for charging the bills for five (5) months i.e. December 2012 to April 2013 prior the checking dated 16.05.2013 is inconsistent with the foregoing Clause of the CSM. Under these circumstances, both the charging of the detection bill of Rs.358,764/- for nine (9) months by the MEPCO and the determination of POI for revision of the bills for five (5) months i.e. December 2012 to April 2013 are unjustified and the same are liable to be set aside.

iii. Since the disputed billing meter of the Appellant was found defective on 16.05.2013 and it was replaced with a new meter in June 2013, hence the MEPCO is liable to be charged the detection bill for two retrospective months only i.e. March 2013 and April 2013 as per Clause 4.4 of the CSM and onwards bills for May 2013 and June 2013 be charged on DEF-EST code. The basis of the abovementioned charging be made on 100% of the consumption of the corresponding month of the previous year or average consumption of the last eleven (11) months, whichever is higher. The impugned decision is liable to be modified to this extent.

7. Summing up the aforesaid discussion, we hold that the detection bill of Rs.358,764/-





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for 22,906 units for the period August 2012 to April 2013 nine (9) months charged by the MEPCO to the Appellant is unjustified and declared as null and void. Similarly the determination of the POI for revision of the bills w.e.f December 2012 and onwards till the replacement of the defective meter in June 2013 as per Clause 4.4 of the CSM is not correct and withdrawn to this extent. The Appellant should be debited the above detection bill for two (2) months only i.e. March 2013 and April 2013 as per Clause 4.4 of the CSM and onwards bills for May 2013 and June 2013 on the DEF-EST code. The billing account of the Appellant should be overhauled after adjusting the payment made by the Appellant against the above bills.

8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 24.12.2021

