



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad  
Tel. No.+92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal/020/2023/520

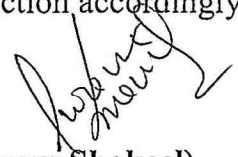
September 14, 2023

1. Irshad Ahmad,  
S/o. Muhammad Ramzan,  
Present Owner/Occupier Consumer of  
Electric Connection in the name of  
Ahmed Bakhsh, S/o. Rasool Bakhsh,  
Prop: Shakri/Irshad Stone Crusher,  
Quetta Road, Sakhi Sarwar,  
Tehsil & District Dera Ghazi Khan
2. Chief Executive Officer,  
MEPCO Ltd,  
MEPCO Complex, Khanewal Road,  
Multan
3. Sardar Mazhar Abbas Mahar,  
Advocate High Court,  
45-Zakiriya Block, District Courts,  
Multan
4. Executive Engineer (Operation),  
MEPCO Ltd,  
Dera Ghazi Khan Division,  
Dera Ghazi Khan
5. Sub Divisional Officer (Operation),  
MEPCO Ltd,  
Quetta Road Sub Division,  
Dera Ghazi Khan
6. POI/Electric Inspector,  
Multan Region, Energy Department,  
Govt. of Punjab, 249-G,  
Shah Rukan-e-Alam Colony,  
Phase-II, Multan

Subject: Appeal Titled MEPCO Vs. Irshad Ahmad Against the Decision Dated 12.10.2022 of the Provincial Office of Inspection to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 14.09.2023 (06 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)  
Deputy Director (AB)

Forwarded for information please.

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



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

### Appeal No.020/POI-2023

Multan Electric Power Company Limited

.....Appellant

Versus

Irshad Ahmed S/o. Muhammad Ramzan,  
connection in the name of Ahmed Buksh, Prop: Shakri/  
Irshad Stone Crusher, Quetta Road, Sakhi Sarwar,  
Tehsil & District Dera Ghazi Khan

.....Respondent

### APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Sardar Mazhar Abbas Advocate  
Mr. Zeeshan Haider SDO

For the Respondent:

Mr. Irshad Ahmed

### DECISION

1. Through this decision, the instant appeal filed by the Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") against the decision dated 12.10.2022 of the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Irshad Ali (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.27-15226-2953917 with sanctioned load of 78 kW and the applicable Tariff category is B-2(b). The Appellant has claimed that the billing meter of the Respondent was found running 33% slow and the backup meter was found defective with erratic behavior during



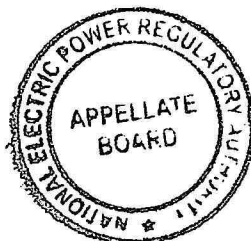
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the Metering & Testing ("M&T") team checking dated 16.05.2022, therefore multiplication factor (the "MF") was raised from 40 to 59.7 w.e.f May 2022 and onwards. Thereafter, a detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 was charged to the Respondent @ 33% slowness of the meter.

3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. The metering equipment of the Respondent was checked by the POI on 13.05.2022 in the presence of both parties, wherein 33% slowness of the impugned meter was established. The complaint of the Respondent was disposed of by the POI vide the decision dated 12.10.2022, wherein the detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 was cancelled and the Appellant was allowed to charge the revised bill maximum for two months i.e. March 2022 and April 2022.
4. Through the instant appeal, the afore-referred decision dated 12.10.2022 of the POI has been impugned by the Appellant before the NEPRA wherein it is contended that the billing meter of the Respondent was found 33% slow during checking dated 16.05.2022, as such the detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 was debited to the Respondent. The Appellant further contended that the POI failed to observe the case in letter and spirit and the policy formulated in the Consumer Service Manual (the "CSM"). As per Appellant, the factual controversies are involved in this case and could only be resolved through the evidence, as such the matter exclusively falls within the domain of the Civil Court. The Appellant prayed for setting aside the impugned decision.



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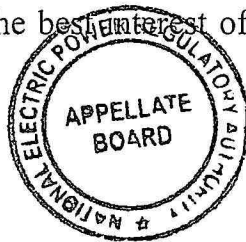


5. **Proceedings by the Appellate Board**

Upon the filing of the instant appeal, a notice dated 17.02.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were submitted on 28.02.2023. In the reply, the Respondent raised the preliminary objection regarding limitation and submitted that the appeal before the NEPRA is badly time-barred. The Respondent further submitted that 33% slowness in the impugned meter was observed on 13.05.2022 and as per Clause 4.3.3c(ii) of the CSM-2021, slowness can be charged maximum for two months but the Appellant debited the detection bill for fifteen months and twelve days and the POI has rightly set aside the same. As per Respondent, the POI has exclusive jurisdiction to adjudicate the instant matter as per the judgment of the honorable Supreme Court of Pakistan reported in PLD 2012 SC 371. According to the Respondent, the POI has rightly examined the billing/consumption data in respect of consumer connection. The Respondent finally prayed for the maintainability of the impugned decision.

6. **Hearing**

6.1 Hearing of the appeal was conducted at NEPRA Regional Office Multan on 23.06.2023, which was attended by both parties. The representative for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the billing meter of the Respondent was found running 33% slow during checking dated 16.05.2022, which was also verified by the POI during joint checking, as such the recovery of the detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 @ 33% slowness be allowed in the best interest of justice. The Appellant prayed for





setting aside the impugned decision.

6.2 The Respondent raised the preliminary objection regarding limitation and argued that the Appellant was well aware of the pronouncement of the impugned decision but the Appellant intentionally received a copy of the impugned decision lately from the said forum, hence the appeal filed before the NEPRA is barred by time and the same is liable to be dismissed on this sole ground.

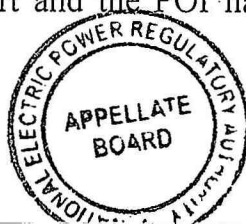
7. Arguments were heard and the record was perused. Following are our observations;

7.1 Objection of the Respondent regarding limitation:

The Respondent raised the preliminary objection that the Appellant received a copy of the impugned decision lately and filed a time-barred appeal. The Respondent however could not substantiate its stance that the Appellant received the same from the POI. It is clarified that the POI is bound to send the certified copies of the impugned decision to the parties. According to Section 38(3) of the NEPRA Act, any aggrieved person may file the appeal before the NEPRA within thirty days from the date of receipt of the impugned decision. Scrutiny of record shows that the Appellant received the copy of the impugned decision on 03.01.2023 and filed the instant appeal before the NEPRA on 06.02.2023, which will be considered within 30 days after excluding the allowed limit of seven days of the dispatch as per Regulation 4 of NEPRA (Procedure for Filing Appeals) Regulations, 2012. Hence the objection of the Respondent regarding limitation is devoid of force and rejected.

7.2 Objection of the Appellant regarding the jurisdiction of POI:

The Appellant raised the preliminary objection that the instant matter falls within the domain of the Civil Court and the POI has no jurisdiction to adjudicate the



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same matter. It is noted that the matter pertains to the billing due to a slow meter, therefore the POI is empowered to entertain such disputes under Section 38 of the NEPRA Act, 1997. In this regard, the following judgment of the honorable Supreme Court of Pakistan reported in PLD 2012 SC 371 is relevant to cite:

**"P L D 2012 Supreme Court 371**

*"In case, the theft alleged is by means other than the tampering or manipulation of the metering equipment, etc., the matter would fall exclusively under Section 26-A of the Act, the Electricity Act, outside the scope of powers of the Electric Inspector. Since the Electric Inspector possesses special expertise in examining the working of the metering equipment and other related apparatus, it makes sense that any issue regarding their working, functioning, or correctness, whether or not deliberately caused, be examined by him. It may be added that Section 26-A is an enabling provision empowering the licensee to charge the consumer for dishonest extraction or consumption of electricity. It does not provide any procedure for resolving any dispute between the consumer and the licensee on a charge of theft. It should be, therefore be read in conjunction with the other relevant provisions including section 26(6) of the Act."*

In view of the above, the objection of the Appellant in this regard is overruled.

- 7.3 Detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 charged @ 33% slowness of the meter  
Reportedly, the impugned meter of the Respondent was found 33% slow during checking dated 16.05.2022, therefore, a detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 was debited to the Respondent which was challenged before the POI. During the joint checking of the POI on 13.05.2022, 33% slowness in the impugned billing meter was confirmed, hence only the period of 33% slowness needs to be determined. Since the dispute pertains to the fiscal year 2021-2022, Clause 4.3.3.c (ii) of the CSM-2021 is relevant, which is reproduced below:

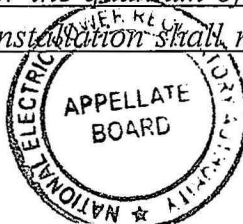
"Clause 4.3.3(c)(ii) of the CSM-2021;

Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than two previous

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billing cycles."

7.4 In the instant case, the Appellant debited 33% slowness of the impugned meter for fourteen months i.e. period from 01.03.2021 to 30.04.2022, which is violative of the ibid clause of the CSM-2021. Hence the determination of the POI for cancellation of the detection bill of Rs.3,495,190/- against 110,553 units for fourteen months for the period from 01.03.2021 to 30.04.2022 is correct and maintained to this extent,

7.5 Similarly, the finding of the POI for the revision of the bill for two months i.e. March 2022 and April 2022 @ 33% slowness of the meter is consistent with the foregoing clause of the CSM-2021 and the same is upheld to this extent.

8. Foregoing in view, the appeal is dismissed and consequently, the impugned decision is maintained.

Abid Hussain  
Member

Muhammad Irfan-ul-Haq  
Member

Naweed Illahi Sheikh  
Convener

Dated: 14-09-2023

