



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

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No. NEPRA/AB/Appeal/030/2023/524


September 14, 2023

1. Hayyat Muhammad,
S/o. Muhammad Ramzan,
Prop: Tube Well, Mouza Chah Chimroo Wala,
P.O. Khangarh, Tehsil Muzaffargarh
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Executive Engineer (Operation),
MEPCO Ltd,
Muzaffargarh Division,
Muzaffargarh
4. Sub Divisional Officer (Operation),
MEPCO Ltd,
Khangarh Sub Division,
Khangarh
5. 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. Hayyat Muhammad Against the Decision Dated 30.01.2023 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 (05 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 Appellate Board

In the matter of

Appeal No.030/POI-2023

Multan Electric Power Company Limited

.....Appellant

Versus

Hayyat Muhammad S/o. Muhammad Ramzan,
Prop: Tube Well located at Mouza Chah Chimroo wala,
P.O. Khangarh, Tehsil & District Muzafargarh

.....Respondent

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

For the Appellant:

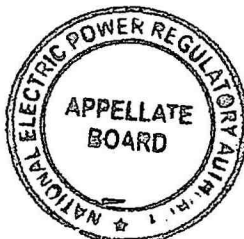
Mr. Muhammad Shahid Iqbal SDO

For the Respondent:

Mr. Hayyat Muhammad

DECISION

1. Through this decision, an appeal filed by the Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") against the decision dated 30.01.2023 of the Provincial Office of Inspection, Multan region, Multan (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts leading to the filing of instant appeal are that Mr. Hayyat Muhammad (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.29-15713-057640-R with sanctioned load of 19 kW



M *SDO*



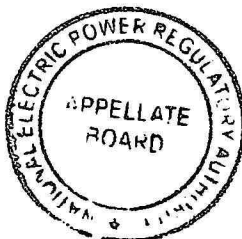
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and the applicable Tariff category is D-2(b). The Respondent filed a complaint before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") on 17.09.2022 and challenged the demand notice No.4447 dated 22.07.2022 amounting to Rs.141,263/-issued by the Appellant on account of difference of material cost. The complaint of the Respondent was disposed of by the POI vide the decision dated 30.01.2023 in which the demand notice No.4447 dated 22.07.2022 amounting to Rs.141,263/-issued on account of the difference of material cost was cancelled being inconsistent with the Clause 2.4.6 of the Consumer Service Manual 2021 (the "CSM-2021").

3. Through the instant appeal, the afore-referred decision dated 30.01.2023 of the POI has been impugned by the Appellant in which it is contended that the POI has failed to see the case in true perspective, which resulted in miscarriage of justice; that the Respondent did not come with clean hand and concealed the material facts as he had signed the A&A form and also affidavit to abide by the terms and conditions of the company and he will pay the future charge if any created; that the Respondent is estopped by his words and conduct to file the application before the POI; that the impugned decision is based on surmises and conjectures and that the same is liable to be set aside.

4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 20.03.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10)





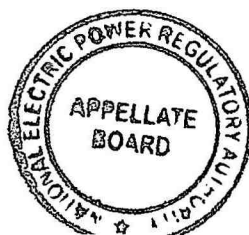
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days, which were submitted on 20.04.2023. In his reply, the Respondent rebutted the version of the Appellant and submitted that no such application or affidavit has been signed for payment of the additional cost of material in terms of demand notice. The Respondent contended that the impugned decision is legal and valid and the POI has rightly cancelled the additional demand notice issued by the Appellant in violation of Chapter 2 of the CSM-2021. As per Respondent, the Service Connection Order was issued on 07.12.2021 but it was executed on 19.05.2022 after a delay of more than five months. The Respondent finally prayed for upholding the impugned decision.

5. Hearing

5.1 Hearing in the matter of the subject Appeal was scheduled for 23.06.2023 at NEPRA Regional Office Multan for which notices dated 16.06.2023 were issued to both parties (the Appellant and Respondent). On the date of the hearing, both parties were in attendance. At the outset of the hearing, the Appellant raised the preliminary objection regarding the jurisdiction of the POI and averred that the matter pertains to the issuance of demand notice, which does not fall in the domain of the POI. As per the Appellant, the POI is empowered to decide the fate of the dispute related to the metering equipment, billing, and collection of the tariff as per Section 38 of the NEPRA Act, 1997. The Appellant argued that the jurisdiction of the POI be decided before going into merits.

5.2 On the contrary, the representative for the Respondent supported the impugned





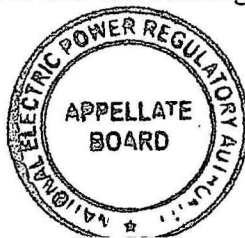
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decision for withdrawal of notice dated 22.07.2022 of the Appellant for the material cost and prayed for its maintainability.

6. Arguments were heard and the record placed before us was examined. Following are our findings:

6.1 Before going into the merits of the case, the preliminary objection of the Appellant regarding the jurisdiction of the POI needs to be addressed. In order to arrive at a just and informed decision, it is necessary to go through the provisions of law related to the powers of POI for adjudication of disputes. Under section 38(1)(a)(ii) of the NEPRA Act, the POI is empowered to make determinations in respect of disputes over metering, billing and collection of tariff and such powers are conferred on the Electric Inspectors appointed by the Provincial Government under Section 36 of the Electricity Act, 1910 (IX of 1910), exercisable, in addition to their duties under the said Act. In terms of Section 26(6) of the Electricity Act, 1910, the Electric Inspector is empowered to hear and decide the disputes that arise between a licensee and a consumer as to whether any meter, maximum demand indicator, or other measuring apparatus is or is not correct. It is observed from the stated provisions of law that the Electric Inspector enjoys both powers under the heads of two statutes.

6.2 In view of the above analysis, it is clear that the Office of POI can only give its determination regarding metering, billing, collection of tariff and correctness of measuring apparatus, however, it cannot direct the Appellant for withdrawal of demand notice dated 22.07.2022 amounting to Rs.141,263/-with regard to the





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material cost. The POI has no jurisdiction to give its determination in the matter of demand notice. In this case, the appropriate forum for redressal of grievance against the action of the Appellant MEPCO was NEPRA under Section 39 of the NEPRA Act.

7. In view of the foregoing, this Appeal is accepted and consequently, the impugned decision is set aside.

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 14-09-2023

