



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

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No. NEPRA/AB/Appeal/042/2023/525


September 14, 2023

1. Babar Khan,
S/o. Mahar Allah Yar Khan,
R/o. Chak Madhoo Peroz Ka,
P.O. Qaboola, Chak No. 23/KB,
Tehsil Arif Wala, District Pakpattan
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Malik Mureed Hussain Makwal,
Advocate High Court,
15-New Block, District Courts,
Multan
4. Executive Engineer (Operation),
MEPCO Ltd,
Arifwala Division,
Arifwala
5. Sub Divisional Officer (Operation),
MEPCO Ltd,
Ahmed Yar Sub Division,
Qaboola
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. Babar Khan Against the Decision Dated 01.03.2023 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 (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 Appellate Board

In the matter of

Appeal No.042/POI-2023

Multan Electric Power Company Limited

.....Appellant

Versus

Babar Khan S/o. Mahar Allah Yar Khan,
R/o. Chak Madhoo Perozka, P.O. Qaboola, Chak No. 23/KB,
Tehsil Arif Wala, District Pakpattan Sharif

.....Respondent

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

For the Appellant:

Mr. Muhammad Amir SDO

For the Respondent:

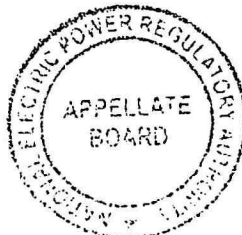
Mr. Babar Khan

DECISION

1. Through this decision, the appeal filed by the Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") against the decision dated 01.03.2023 of the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Babar Khan (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No. 29-15535-0067500-R with a sanctioned load of 14.92 kW and the applicable Tariff category is D-2(b). The premises of the Respondent was checked by the

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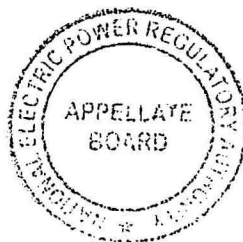


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Metering and Testing (M&T) team of the Appellant on 22.05.2020 and reportedly, the billing meter of the Respondent was found tampered with (device installed inside the meter) for dishonest abstraction of electricity and the running load was noticed as 22.38 kW. Resultantly, a detection bill amounting to Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 was charged by the Appellant to the Respondent on the basis of 60% load factor of the connected load i.e. 22.38 kW and added to the bill for May 2020. Subsequently, the impugned billing meter was replaced with a new meter by the Appellant on 03.06.2020.

3. Being aggrieved, the Respondent challenged the above detection bill before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") on 09.03.2021. During the POI joint checking dated 31.08.2021, tampering with the impugned billing meter was established. The complaint of the Respondent was decided by the POI vide the decision dated 01.03.2023 (hereinafter referred to as the "impugned decision"), wherein the detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 was declared null and void. As per the POI decision, the Appellant was allowed to recover the detection bill of net 17,121 units for seven months i.e. November 2019 to May 2020 as per consumption of the March 2019.
4. Subject appeal has been filed against the impugned decision before NEPRA, wherein it is contended that the billing meter of the Respondent was found

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tampered during the M&T checking dated 22.05.2020 for the dishonest abstraction of electricity, therefore a detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 was charged to the Respondent. As per the Appellant, the POI failed to observe the case in its letter and spirit and erred in declaring the above detection bill as null and void. According to the Appellant, the impugned decision is illegal, self-contradictory, arbitrary, vague, misconceived, without jurisdiction, biased, based on surmises and conjectures, and the same is not sustainable in the eyes of law. The Appellant prayed for setting aside the impugned decision.

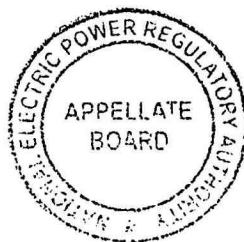
5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 19.04.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

6. Hearing

6.1 Hearing of the Appeal was conducted on 23.06.2023 at NEPRA Regional Office Multan in which both parties were present. During the hearing, the Appellant reiterated the same version as contained in memo of the appeal.

6.2 The Respondent denied the allegation of theft of electricity through tampering with the meter and prayed for cancellation of the above detection bill being charged by the Appellant on alleged unilateral checking.



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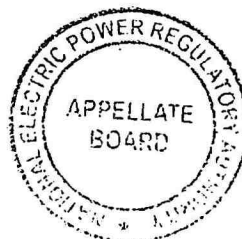
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7. Arguments heard and the record perused. Following are our observations:

7.1 Detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020

In its appeal, the Appellant has claimed that the Respondent was involved in the dishonest abstraction of electricity through tampering with the meter. FIR was also registered against the Respondent due to the theft of electricity. The detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 was debited to the Respondent, which was challenged before the POI.

7.2 During joint checking dated 31.08.2021 of the POI, the impugned billing meter of the Respondent was found tampered, hence the detection bill is chargeable for six months to the Respondent, which in the instant case was done by the Appellant. However, perusal of the detection proforma shows that the Appellant debited the impugned detection bill based on 60% load factor of the connected load i.e. 22.38 kW, which is higher than the applicable limit of load factor as per WAPDA Circular No.426 dated 03.03.2003. The discrepancy of the tampered (reversed) meter was noticed on 22.05.2020, however, the Appellant did not include the disputed month i.e. May 2020 while debiting the impugned detection bill. In view of the foregoing discussion, it is concluded that the detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 charged to the Respondent is illegal, unjustified and the same is liable to be cancelled.



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- 7.3 Similarly, the determination of the POI for revision of the detection bill for seven months i.e. November 2019 to May 2020 as per consumption of March 2019 is inconsistent with the provisions of the CSM-2010 and the same is liable to be withdrawn to this extent.
- 7.4 According to Clause 9.1c(3) of the CSM-2010, the Respondent is liable to be charged the detection bill maximum for six months i.e. December 2019 to May 2020 and the calculation of the above detection bill be made based on 50% load factor of the connected load i.e. 22.38 kW as per above-referred WAPDA Circular for the load factor in the below table:

<u>Period: December 2019 to May 2020 (6 months)</u>	
• Total units to be charged = Connected Load x LF x No. of Hrs. x No. of Months = 22.38 x 0.5 x 730 x 6	= 49,012 units
• Total units already charged = 258+637+1332+567+454+9802 = (-)13,050 units	
• Net units to be charged	= 35,962 units

Thus the Respondent is liable to be charged the revised detection bill of 35,962 units for three months for the period from December 2019 to May 2020.

8. Summing up the foregoing discussion, it is concluded as under:

8.1 The detection bill of Rs.522,965/- against 55,047 units for six months for the period from November 2019 to April 2020 charged to the Respondent is unjustified and the same is cancelled.

8.2 The Respondent may be charged the revised detection bill of 35,962 units for the period from December 2019 to May 2020.



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8.3 The billing account of the Respondent be overhauled after the adjustment of payment made against the above detection bill.

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

Abid Hussain

Member

Naweed Illahi Sheikh

Convener

Muhammad Irfan-ul-Haq

Member

Dated: 14-09-2023

