



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

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No. NEPRA/AB/Appeal/054/2023/ 553


September 19, 2023

- |  |   |
|--|---|
| 1. Maher Abdul Naeem,<br>S/o. Ghulam Qasim,<br>R/o. Mohallah Khursheedabad,<br>Muzaffargarh                      | 2. Chief Executive Officer,<br>MEPCO Ltd,<br>MEPCO Complex, Khanewal Road,<br>Multan  |
| 3. Muhammad Arshad Mughal,<br>Advocate High Court,<br>06-Justice Tariq Mehmood Block,<br>District Courts, Multan | 4. Executive Engineer (Operation),<br>MEPCO Ltd,<br>Muzaffargarh Division,<br>Muzaffargarh  |
| 5. Sub Divisional Officer (Operation),<br>MEPCO Ltd,<br>Muzaffargarh-I Sub Division,<br>Muzaffargarh             | 6. POI/Electric Inspector,<br>Multan Region, Energy Department,<br>Govt. of Punjab, 249-G,<br>Shah Rukan-e-Alam Colony,<br>Phase-II, Multan |

Subject: **Appeal Titled MEPCO Vs. Maher Abdul Naeem Against the Decision Dated 27.03.2023 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 19.09.2023 (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. 054/POI-2023

Multan Electric Power Company Limited

.....Appellant

Versus

Maher Abdul Naeem S/o. Ghulam Qasim,  
R/o. Mohallah Khursheedabad, Muzaffargarh

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 27.03.2023 PASSED BY THE PROVINCIAL  
OFFICE OF INSPECTION MULTAN REGION, MULTAN**

For the Appellant:

Mr. Muhammad Shahid Iqbal SDO

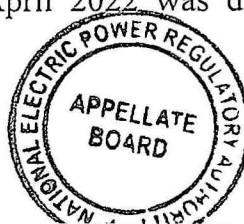
For the Respondent:

Maher Abdul Naeem

## DECISION

1. Briefly speaking, Maher Abdul Naeem (hereinafter referred to as the "Respondent") is a domestic consumer of the Multan Electric Power Company Limited (hereinafter referred to as 'the Appellant') bearing Ref No.01-15711-0657919-U having sanctioned load of 1 kW under the A-1(a) tariff category. Reportedly, the billing meter of the Respondent became defective with washed display, hence, it was replaced with a new meter by the Appellant and sent to the Metering and Testing (M&T) laboratory for checking. As per the data retrieval report dated 07.09.2022, 1,924 units were found uncharged being the difference between the final reading of the removed meter and units already charged by the Appellant till April 2022. Therefore a detection bill of Rs.72,491/- for 1,924 units for nine months for the period from August 2021 to April 2022 was debited to the Respondent by the

*M* *SDO*

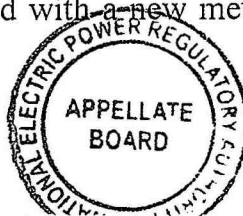




## National Electric Power Regulatory Authority

Appellant and added to the bill for September 2022.

2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") vide complaint dated 28.10.2022 against the charging of the above detection bill. The POI vide the decision dated 27.03.2023 set aside the detection bill of Rs.72,491/- for 1,924 units for nine months for the period from August 2021 to April 2022. The Appellant was directed to adjust the payments made against the detection bill.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 27.03.2023 (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant contended that the POI had failed to see the case in true prospective which resulted in miscarriage of justice rendering the impugned decision void abinitio, and of no consequence, and has passed an illegal order with material irregularity. The Appellant further contended that the Respondent has not come to lower with clean hands and had concealed the material facts as the impugned meter was checked in M&T and pending units were charged to the Respondent as a detection bill. As per the Appellant, the POI has not given any cogent reason and passed the impugned decision in an illegal manner, which is liable to be set aside.
4. Notice dated 18.05.2023 for filing reply/para-wise comments against the subject appeal was issued to the Respondent, which were filed on 05.06.2023. In the reply, the Respondent submitted that the impugned billing meter became defective in August 2021 and it was replaced with a new meter by the Appellant in May 2022,



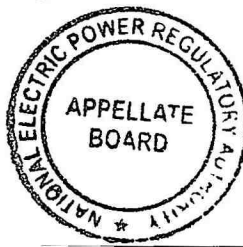


## National Electric Power Regulatory Authority

which is a violation of the provision of the CSM-2021. The Respondent further submitted that the Appellant was required to replace the impugned meter within two billing cycles and retrieve the data within three months but in the instant case, the impugned meter was replaced after nine months and data was retrieved after thirteen months of display wash. As per Respondent, the consumption already charged during the disputed period is much higher than the normal consumption of corresponding months of the previous year. The Respondent defended the impugned decision for cancellation of the above detection bill and prayed for upholding the same.

5. Hearing of the subject appeal was conducted at NEPRA Regional Office Multan on 23.06.2023, which was attended by both parties. The Appellant repeated the same contention as contained in memo of the appeal and averred that the impugned meter became defective, which was replaced with a new meter by the Appellant in April 2022. As per the Appellant, during subsequent checking of the M&T team of the Appellant, 1,924 units were found uncharged due to the difference between the final reading of the removed meter and units already charged, therefore detection bill of Rs.72,491/- for 1,924 units for nine months i.e. from August 2021 to April 2022 was debited to the Respondent by the Appellant and added to the bill for September 2022. The Appellant opposed the impugned decision for cancellation of the above detection bill and prayed for setting aside the same. On the other hand, the Respondent repudiated the contention of the Appellant and averred that the Appellant already debited the average bills for the period from August 2021 to April

*M. S. Khan*





## National Electric Power Regulatory Authority

2022, hence there is no justification to debit the above detection bill, which ultimately tantamounts to the double charging of the bills for the same cause of action. He defended the impugned decision and prayed for upholding the same.

6. Arguments heard and the record examined. Following are our observations:

6.1 Detection bill amounting to Rs.72,491/- for 1,924 units for nine months for the period from August 2021 to April 2022 debited to the Respondent

The record presented before us shows that the impugned meter of the Respondent became defective with washed display in August 2021, hence estimated billing was done by the Appellant. Subsequently, the impugned billing meter was replaced with a new meter by the Appellant in April 2022 and checked in M&T, whereby, 1,924 units were found uncharged. Therefore, a detection bill of Rs.72,491/- for 1,924 units for nine months for the period from August 2021 to April 2022 was debited to the Respondent by the Appellant being the difference between the final reading of the removed meter and units already charged till April 2022 and added to the bill for September 2022.

6.2 The Appellant has issued the detection bill on the basis of data retrieval from the impugned meter claimed to have been retrieved on 07.09.2022. The data retrieval of defective meters is provided under Clause 4.3 of the CSM-2021. In this regard, the following points are important:

- i. Clause 4.3 of CSM 2021 dealing with the replacement of defective meters prescribes two distinct procedures for the replacement of defective meters and charging the bills. Clause 4.3.1 of the CSM 2021 prescribes the procedure for defective/burnt meters while Clause 4.3.2 of CSM-2021 deals with the replacement of meters due to the display being washed. The data retrieval is



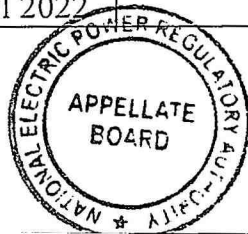
## National Electric Power Regulatory Authority

provided only under Clause 4.3.2(c) of the CSM-2021, where the meter is defective due to the display washed. However, for defective meters for reasons other than display wash, there is no provision for data retrieval under Clause 4.3.1 of the CSM-2021. The impugned meter where data has been retrieved by the Appellant had allegedly defective with washed display. Since its display was not washed, therefore, strictly under Clause 4.3.2 (c) of CSM-2021 data retrieval of the said meter is not legally justified.

- ii. Above-referred clause of the CSM-2021 empowers the Appellant to retrieve the data within three months. However, in the instant case, the Appellant waited so long i.e. 13.04.2022 to 07.09.2022 almost five months to download the consumption data of the impugned meter.

6.3 The objection of the Respondent regarding data retrieval by the Appellant unilaterally without his knowledge as well as the failure of data retrieval in the presence of POI also float in the face of the credibility of data retrieval by the Respondent. Nevertheless, either in the case of data retrieval or otherwise, the CSM-2021 allows recovery from the consumer for maximum of two months period. To further verify the assertion of the Appellant, consumption of the disputed period from August 2021 to April 2022 be compared with the consumption of the corresponding months of the preceding year in the below table:

Period	Normal units/month	Detection units/month
Period before the dispute August 2020 to April 2021	196	-
Disputed period August 2021 to April 2022	271	485





## National Electric Power Regulatory Authority

Period after dispute August 2022 to April 2023	149	
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6.4 From the above table, it is revealed that the detection units charged @ 485 units/month for the disputed period from August 2021 to April 2022 are much higher than the normal average consumption recorded during the corresponding periods before and after the dispute. Even otherwise, the normal average consumption charged during the disputed period is much higher than the normal average consumption of the corresponding undisputed periods before and after the dispute.

6.5 Thus under these circumstances, we are of the firm view that the detection bill of Rs.72,491/- for 1,924 units for nine months for the period from August 2021 to April 2022 charged by the Appellant to the Respondent is unjustified, and the same is declared null and void.

7. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 19-09-2023

