



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

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No. NEPRA/AB/Appeal/120/2022/57

September 14, 2023

- | | |
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| 1. Malik Imam Bakhsh,
S/o. Malik Elahi Bakhsh,
R/o. Bait Wasava Shumail,
P/o. Kot Sultan, Tehsil Layyah | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Abdul Ghafoor Gujjar,
Advocate High Court,
Al-Wahid Law Chambers,
District Courts, Layyah | 4. Executive Engineer (Operation),
MEPCO Ltd,
Kot Addu Division,
Kot Addu, District Muzaffargarh |
| 5. Sub Divisional Officer (Operation),
MEPCO Ltd,
2 nd Sub Division,
Kot Addu, District Muzaffargarh | 6. POI/Electric Inspector,
Multan Region, Energy Department,
Govt. of Punjab, 249-G,
Shah Rukan-e-Alam Colony,
Phase-II, Multan |

Subject: **Appeal Titled Malik Imam Bakhsh Vs. MEPCO Against the Decision Dated 16.05.2022 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 Appellate Board

In the matter of

Appeal No.120/POI-2022

Malik Imam Bakhsh S/o. Malik Illahi Bakhsh,
R/o. Bait Waswa Shumail, P/o. Kot Sultan,
Tehsil & District Layyah

.....Appellant

Versus

Multan Electric Power Company Limited

.....Respondent

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

For the Appellant:

Mr. Abdul Ghafoor Advocate

For the Respondent:

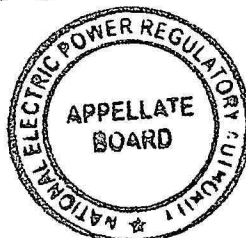
Mr. Faisal Kareem SDO

DECISION

1. Briefly speaking, Malik Imam Bakhsh (hereinafter referred to as the “Appellant”) is a domestic consumer of the MEPCO (hereinafter referred to as the “Respondent”) bearing Ref No.17-15722-3921812 with a sanctioned load of 1 kW and the applicable Tariff category is A-1(a). The premises of the Appellant was checked by the Respondent on 30.12.2020 and reportedly, the billing meter of the Appellant was found static and electricity was being used by the Appellant directly. The impugned meter of the Appellant was removed and checked by the M&T, which vide report dated 07.01.2021 declared the impugned meter as tampered. Notice dated 13.01.2021

Appeal No.120-2022

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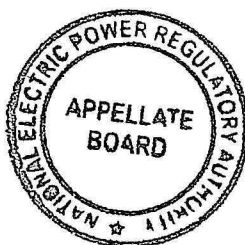
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was served to the Appellant regarding the above discrepancy and FIR No.46/2021 dated 29.01.2021 has been registered with the police against the Appellant on account of the theft of electricity. Thereafter, a detection bill amounting to Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 was charged by the Respondent to the Appellant on the basis of 20% load factor of the connected load i.e. 5 kW.

2. Being aggrieved, the Appellant challenged the above-mentioned detection bill before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI"). During the joint checking of the POI, the connected load of the Appellant was observed as 2.5 kW. The matter was disposed of by the POI vide the decision dated 16.05.2022 (hereinafter referred to as the "impugned decision"), wherein the detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 was declared null and void. As per the POI decision, the Respondent may charge the revised detection bill of 1,426 units to the Appellant.
3. Through the instant appeal, the Appellant challenged the impugned decision before NEPRA *inter alia*, on the following grounds that the Appellant did not follow the procedure as laid down in Chapter 9 of the Consumer Service Manual to establish theft of electricity; that neither any notice was issued nor any inspection was carried in the presence of the Appellant; that the detection bill of Rs.68,930/- for 2,920 units



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for four months for the period from September 2020 to December 2020 was debited without considering the consumption history; that the entire proceedings of the Respondent are based on personal grudge and with malafide intention; that the POI has punished the Appellant by charging 1,426 units and that the impugned decision to this extent is liable to be set aside.

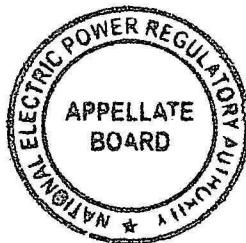
4. Proceedings by the Appellate Board

Upon filing of the instant appeal, a Notice dated 08.11.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

5. Hearing

5.1 Hearing in the matter of the subject Appeal was conducted on 23.06.2023 at NEPRA Regional Office Multan in which learned counsel was present on behalf of the Appellant and the SDO represented the Respondent. During the hearing, learned counsel for the Appellant reiterated the same version as contained in memo of the appeal.

5.2 The representative for the Respondent repudiated the version of the Appellant and averred that the Appellant was stealing electricity through tampering with the impugned meter as observed by the M&T on 06.01.2021 for which FIR was registered against him and a detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 was debited to the



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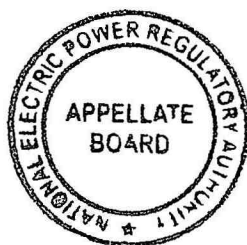
Appellant. He termed the above detection bill as justified and payable by the Appellant.

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

6.1 Detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020

In its appeal, the Appellant has claimed that the impugned billing meter was replaced with a new meter on 30.12.2020, which was subsequently declared tampered with in unilateral checking and a detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 was debited by the Respondent, which was challenged by him before the POI.

6.2 It is observed that the above detection bill was charged beyond three billing cycles by the Respondent, however, no approval of the Chief Executive Officer was solicited as required according to Clause 9.1c(3) of the CSM-2010. It is further observed that the above detection bill was charged based on the connected load i.e. 5 kW, which is higher than the connected load i.e. 2.5 kW observed during the joint checking of the POI. Therefore, the detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 charged to the Appellant is illegal, unjustified being inconsistent with the foregoing clause of the CSM-2010 and the same is liable to be cancelled.



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6.3 Similarly, the determination of the POI for revision of the detection bill for four months i.e. September 2020 to December 2020 @ 365 units/month is not in line with Clause 9.1c(3) of the CSM-2010 and the same is liable to be set aside.

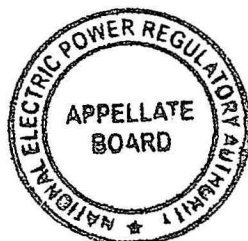
6.4 Since nil consumption was charged during the period from October 2020 to December 2020, it would be fair and appropriate to revise the detection bill for three months i.e. October 2020 to December 2020 @ 20% load factor of the connected load i.e. 2.5 kW as noticed during the POI joint checking. Calculation in this regard is done in the below table:

<u>Period: October 2020 to December 2020 (3 months)</u>	
A. Total units to be charged = Connected Load x LF x No. of Hrs. x No. of Months	
	= 2.5 x 0.2 x 730 x 3 = 1,095 units
B. Total units already charged = 0 units	
C. Net units to be charged = A-B = 1,095 units	

Thus the Appellant is liable to be charged the revised detection bill of 1,095 units for three months for the period from August 2020 to October 2020.

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

7.1 The detection bill of Rs.68,930/- for 2,920 units for four months for the period from September 2020 to December 2020 charged to the Appellant is unjustified and the same is cancelled.



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7.2 The Respondent may charge a revised detection bill of 1,095 units for three months for the period from October 2020 to December 2020.

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

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

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 14-09-2023

