



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

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No. NEPRA/Appeal/129/2021/ 332

March 14, 2024

1. Masab Haider Shah Khagga,
Through Muhammad Jaffer,
S/o. Malik Abdullah,
R/o. House No. 272, Writers Colony,
Masoom Shah Road, Near Darbar Musoom Shah,
Multan
2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan
3. Malik Muhammad Muzaffar Athangal,
Advocate High Court,
Seat No. 18-A, District Courts,
Multan
Cell No. 0300-6323224
4. Sub Divisional Officer (Operation),
MEPCO Ltd,
Civil Line Sub Division,
Khanewal
5. POI/Electric Inspector,
Multan Region,
Energy Department, Govt. of Punjab,
249-G, Shah Rukan-e-Alam Colony,
Phase-II, Multan

Subject: Appeal No.129/2021 (MEPCO Vs. Masab Haider Shah Khagga) Against the Decision Dated 08.10.2020 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 14.03.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director
Appellate Board

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.129/POI-2021

Multan Electric Power Company Limited

.....Appellant

Versus

Masab Haider Shah Khagga, Through Muhammad Jaffer,
S/o. Malik Abdullah, R/o. House No.272, Writers Colony,
Masoom Shah Road, Near Drabar Masoom Shah, Multan

.....Respondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

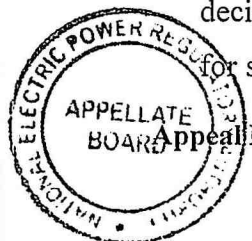
Malik Muzaffar Athangal Advocate
Mr. Tariq Mehmood Daar XEN

For the Respondent:

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DECISION

1. Briefly speaking, Mr. Masab Haider Shah (hereinafter referred to as the "Respondent") is an agricultural consumer of Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.29-15913-1367203-R having a sanctioned load of 22 kW and the applicable tariff category is D-2(b). The billing meter of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 18.09.2019 and it was declared tampered (burnt terminal block) for the dishonest abstraction of electricity, therefore, a detection bill amounting to Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 was charged by the Appellant to the Respondent on the basis of 40% load factor of the sanctioned load i.e. 22 kW and added to the bill for September 2019. The impugned meter of the Respondent was replaced with a new meter by the Appellant on 04.10.2019.
2. Being aggrieved, the Respondent filed an application before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 08.10.2020, wherein, the detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 is declared void, unjustified,



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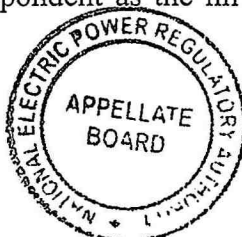


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and of no legal effect. The Appellant was directed to charge the revised detection bill for September 2019 on the basis of 40% load factor of the sanctioned load i.e. 22 kW.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 08.10.2020 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision *inter alia*, on the following grounds that the POI has failed to consider the detailed checking report of M&T formation; that the charging of the period for detection bill for Rs.277,132/- against the 38,398 units for six months for the period from February 2019 to July 2019 is justified; that the POI did not apply his judicious mind while deciding the matter; that the impugned decision is against the facts of law and contrary to well-established principles of justice, equity, and good conscience; and that the impugned decision is liable to be set aside.
4. Notice dated 29.11.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 15.12.2021. In the reply, the Respondent explained the facts of the case that the new connection was installed on the premises in January 2019 and the Appellant debited the first bill of 13,874 units in January 2019, which was subsequently paid in installments. The Respondent elaborated that the Appellant debited nil consumption from February 2019 to June 2019, thereafter the bills of 146 units and 4,383 units were debited in July 2019 and August 2019, which were paid, accordingly. As per Respondent, the impugned meter became defective in September 2019 due to heavy wind and rain storms due to which nil consumption was charged by the Appellant, thereafter the impugned meter was replaced with a new meter on 04.10.2019. According to the Respondent, the detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 was challenged before the POI. The Respondent finally prayed for revision of the bill as per the data retrieval report.
5. **Hearing:**
 - 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Multan on 09.01.2024, wherein learned counsel appeared for the Appellant, whereas the Respondent did not tender appearance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found tampered with vanished display during checking dated 18.09.2019 and the same was replaced with a new meter on 04.10.2019, thereafter a detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 was debited to the Respondent as the nil consumption was charged during the

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said months. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.

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

6.1 Detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019

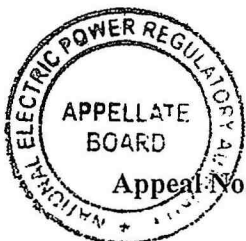
In the instant case, the Appellant claimed that M&T on 18.09.2019 detected that the impugned meter was intentionally tampered with (terminal block burnt) and debited a detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 to the Respondent based on 40% load factor of the connected load.

6.2 Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.1(c) of the CSM-2010 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2010. From the submissions of the Appellant, it appears that the billing meter of the Respondent was checked and removed by the Appellant in the absence of the Respondent.

6.3 As per the judgment of the Supreme Court of Pakistan reported in PLD 2012 SC 371, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant did not produce the impugned meter before the POI for verification of the allegation regarding tampering with the impugned meter of the Respondent.

6.4 To further verify the contention of the Appellant regarding the illegal abstraction of electricity, the consumption data of connection of the Respondent as provided by the Appellant is examined in the below table:

Disputed period		Undisputed period of the year 2020		Detection bill	
Month	Units	Month	Units	Month	Units
Feb-19	0	Feb-20	454	Feb-19	6424
Mar-19	0	Mar-20	155	Mar-19	6424
Apr-19	0	Apr-20	1145	Apr-19	6424
May-19	0	May-20	10345	May-19	6424
Jun-19	0	Jun-20	2922	Jun-19	6424
Jul-19	146	Jul-20	2045	Jul-19	6424
Average	24	Average	2,844	Average	6424



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Perusal of the consumption data of the Respondent transpires that the average consumption charged during the disputed period is much lesser than the average consumption of the corresponding period of the year 2020. However, the detection units charged @ 6,424 units per month during the disputed period are much higher than the average consumption of the corresponding months of the year 2020.

6.5 In view of the foregoing discussion, we are of the considered view that the detection bill amounting to Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 charged by the Appellant to the Respondent on the basis of connected load is unjustified and the same is cancelled, which is also the determination of the POI.

6.6 As the actual consumption could not be charged during the disputed period i.e. from February 2019 to July 2019, hence it would be judicious to charge the revised bills for the disputed period @ 2,844 units per month as recorded during the corresponding period after the dispute i.e. from February 2020 to July 2020. The impugned decision is liable to be modified to this extent.

7 In view of what has been stated above, we concluded that:

7.1 The detection bill of Rs.277,132/- against 38,398 units for six months for the period from February 2019 to July 2019 debited to the Respondent is unjustified and the same is cancelled.

7.2 The Respondent may be charged the revised bills @ 2,844 units per month for the period from February 2019 to July 2019 as per consumption of corresponding months of the year 2020.

7.3 The billing account of the Respondent may be overhauled, accordingly.

8 The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Naweed Hahi Sheikh
Convener/DG (CAD)

Dated: 14-03-2024

