



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN
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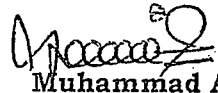
TCD.04/ 221-2024
January 05, 2024

Chief Executive Officer,
Gujranwala Electric Power Company (GEPCO),
565/A, Model Town GT Road, Gujranwala.

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. IJAZ AHMED S/O MALIK GHULAM RASOOL UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING INDUSTRIAL SUPPORT RELIEF PACKAGE (Reference No. 28122120858900U)
Complaint No. NHQ-4431-21

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated January 05, 2024 regarding the subject matter for necessary action.

Encl: As above


Muhammad Abid
Assistant Director (CAD)

Copy to:-

1. C.E/ Customer Services Director,
Gujranwala Electric Power Company (GEPCO),
565/A, Model Town GT Road, Gujranwala.
2. XEN (Operations), Cantt Gujranwala.
Gujranwala Electric Power Company (GEPCO),
Gujranwala.
3. Mr. Ijaz Ahmed
S/o Malik Ghulam Rasool
R/o Ghafoor Steel Furnace,
Near Sialkot Bypass Chowk, Gujranwala
Cell: 0300-8644310



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. GEPCO-NHQ-4431-21

Mr. Ijaz Ahmed S/o Malik Ghulam Rasool
R/o Ghafoor Steel Furnace,
Near Sialkot Bypass Chowk, Gujranwala
Cell: 0300-8644310

..... **Complainant**

VERSUS

Gujranwala Electric Power Company (GEPCO),
565/A, Model Town GT Road, Gujranwala.

..... **Respondent**

Date of Hearing:

July 13, 2021,
August 20, 2021
September 14, 2021
November 04, 2021
November 23, 2021
September 25, 2023
October 12, 2023
October 16, 2023

**On behalf of
Complainant:**

- 1) Mr. Muhammad Imtiaz Malik
- 2) Mr. Muhammad Asif Malik
- 3) Mr. Rizwan Faiz Muhammad
- 4) Br. Afzal Khan Shanwari
- 5) Mr. Muhammad Jalal

Respondent:

- 1) Mr. Tariq Mahmood, Dy Manager, GEPCO
- 2) Mr. Ameer Farooq, XEN, GEPCO
- 3) Mr. Muhammad Waseem, RO GEPCO
- 4) Mr. Muhammad Iqbal Duggal, Counsel for GEPCO
- 5) Mr. Qasim Duggal, Counsel for GEPCO
- 6) Ms. Sehrish Saba Raja

SUBJECT: DECISION IN THE MATTER OF COMPLAINT FILED BY MR. IJAZ AHMED S/O MALIK GHULAM RASOOL UNDER SECTION 39 OF THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST GEPCO REGARDING INDUSTRIAL SUPPORT RELIEF PACKAGE (Reference No. 28122120858900U)

DECISION

This decision shall dispose of the complaint filed by Mr. Ijaz Ahmed (hereinafter referred to as "the Complainant") against Gujranwala Electric Power Company (hereinafter referred to as "the Respondent" or "GEPCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act").

2. NEPRA received the subject complaint wherein the dispute agitated by the Complainant was that the Government of Pakistan announced an incentive package for industrial consumers. Accordingly, the Complainant was provided the said relief by GEPCO for the month of November, 2020, however, in the bill for the month of December, 2020; GEPCO not only withdrew the due benefit of the relief package but also added an adjustment of Rs. 4,207,726/- to recover the relief given to the Complainant for the month of November, 2020. Upon which, the Complainant approached GEPCO for the said relief which was not granted on the pretext that there was no consumption of electricity in the corresponding months of November & December, 2019 being the reference months. Similarly, there was consumption in the month of January 2020; therefore, the contention of GEPCO that reference consumption for the month of corresponding month is zero is not correct. The Complainant further added that GEPCO has treated him discriminately because the package had been extended to other consumers such as for reference No. 28121360021700 with 80 units consumed in the reference month.

3. The matter was taken-up with GEPCO for submission of para-wise comments/report. In response, GEPCO submitted inter alia that the relief is provided to industrial consumers on incremental units of corresponding month's consumption in the year 2019 i.e. pre-covid period and consumers having zero (reference month) consumption will be selected for slab criteria for calculation of reference consumption and according to slab criteria the relief cannot be extended to the Complainant. ,

4. The response of GEPCO was shared to the Complainant who raised observations on the GEPCO's response that the slab criteria for calculation of reference consumption will be selected in case of new connections only. The Complainant further added that his consumption for the months of November & December, 2019 and January, 2020 was never ZERO and consumption recorded by the meter installed at the premises was not being charged in those months in order to cover the excessive billing charged in earlier months. The Complainant's electricity bills w.e.f. July, 2019 to January, 2020 showed units consumed as being zero on account of adjustment of excessive billing carried out by GEPCO during the month of June, 2019. In order to bring actual meter reading in accordance with the reading already charged in excess; GEPCO did not charge units to the Complainant during the period July, 2019 to January, 2020. In view of the said, consumption of the Complainant was never zero during the disputed period i.e. November, 2019 to January, 2020. The data download as well as snap shots of meter reading shows some consumption on meter, therefore, version of GEPCO w.r.t. closure of the connection vis-à-vis zero consumption is not justified.

5. In order to proceed further into the matter hearings were held at NEPRA Head Office, Islamabad wherein both the parties (i.e. GEPCO officials and the Complainant) participated and advanced their arguments on the basis of earlier submissions.

6. The case has been examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. Following has been concluded:

- (i) The Complainant has an industrial connection bearing reference No. 28122120858900U under tariff B3(14)T with sanctioned load 2660 KW. Subsequent to the approval of Government of Pakistan regarding industrial support package, GEPCO afforded a credit of Rs. 38,78,780/- to the Complainant in lieu of the said package during the month of November, 2020. However, in the bill issued for the month of December, 2020; GEPCO debited an amount of Rs. 42,07,726/- by withdrawing the relief already granted for the month of November, 2020 on the basis of zero consumption in reference month i.e. November, 2019 and the said relief was not provided from December, 2019 onwards.
- (ii) The Complainant claimed that his consumption during the reference months i.e. November, 2019, December, 2019 and January, 2020 was not zero and GEPCO did not charge units during those months, to adjust the excessive

(iii) In order to analyze the claim of the Complainant, GEPCO was directed to provide data retrieval report and meter reading record i.e. Kalamzo Book etc. vide hearing notice dated September 27, 2023 issued by this office in the matter. Moreover, copies of data retrieval report submitted by the Complainant was provided to GEPCO vide this office letter dated October 18, 2023 for verification. GEPCO vide letter dated October 20, 2023 submitted that data of the impugned meter was downloaded by GEPCO on September 13, 2021 only and no data was downloaded on February 17, 2021. GEPCO submitted data retrieval reports for the period August, 2020 to September 13, 2021. Upon analysis of the said reports it was revealed that data for the period August, 2020 to January, 2021 is same as submitted by the Complainant which proves that data of the meter was downloaded on February 17, 2021, however, GEPCO deliberately did not provide the same to hide the evidences. It is also evident that data retrieval report submitted by the Complainant is valid, correct and authentic which can be used as an evidence.

(iv) GEPCO provided data downloading report dated September 13, 2021 which comprised of period from August, 2020 to September, 2021. The Complainant provided data download report dated February 17, 2021 which comprises of the period from January, 2020 to February, 2021. In both data downloading reports data pertaining to some months is common. The relevant extract of data provided by the Complainant and GEPCO is as under:

Data Provided by the Complainant for August 2020

KBK Electronics (Pvt.) Ltd., Lahore-Pakistan

9-7

History Billing Data

Meter Information

1. Consumer Identification:	00000000000000000000100815
2. Meter No.:	000000100815
3. Meter Type:	HXE34
4. Programmer Identification:	0000
5. Current Date:	17-02-2021
6. Current Time:	12:33:24
7. Current Season:	04

History Billing Data

Last 5 month billing data(08-2020)

Energy

No.	Description	Value
1	Total Active Energy(+)	1660.80(kWh)
2	Total Active Energy(+) Rate-T1	2.55(kWh)
3	Total Active Energy(+) Rate-T2	1658.24(kWh)
4	Total Active Energy(+) Rate-T3	0.00(kWh)
5	Total Active Energy(+) Rate-T4	0.00(kWh)
6	Total Reactive Energy(+)	523.10(kvarh)
7	Total Reactive Energy(+) Rate-T1	1.05(kvarh)
8	Total Reactive Energy(+) Rate-T2	522.05(kvarh)
9	Total Reactive Energy(+) Rate-T3	0.00(kvarh)
10	Total Reactive Energy(+) Rate-T4	0.00(kvarh)

@ There is no difference in the data submitted by both the parties for the month of August, 2020.

Data Provided by GEPCO for October 2020

KBK Electronics (Pvt.) Ltd., Lahore-Pakistan

History Billing Data

Meter Information

1. Consumer Identification:	00000000000000000000100815
2. Meter No.:	000000100815
3. Meter Type:	HXE34
4. Programmer Identification:	0000
5. Current Date:	13-09-2021
6. Current Time:	17:34:28
7. Current Season:	03

History Billing Data

Last 11 month billing data(10-2020)

Energy

No.	Description	Value
1	Total Active Energy(+)	1662.41(kWh)
2	Total Active Energy(+) Rate-T1	2.77(kWh)
3	Total Active Energy(+) Rate-T2	1659.63(kWh)
4	Total Active Energy(+) Rate-T3	0.00(kWh)
5	Total Active Energy(+) Rate-T4	0.00(kWh)
6	Total Reactive Energy(+)	524.37(kvarh)
7	Total Reactive Energy(+) Rate-T1	1.22(kvarh)
8	Total Reactive Energy(+) Rate-T2	523.14(kvarh)
9	Total Reactive Energy(+) Rate-T3	0.00(kvarh)
10	Total Reactive Energy(+) Rate-T4	0.00(kvarh)

Data Provided by the Complainant for October 2020

KBK Electronics (Pvt.) Ltd., Lahore-Pakistan

History Billing Data

4-6

Meter Information

1. Consumer Identification:	00000000000000000000100815
2. Meter No.:	000000100815
3. Meter Type:	HXE34
4. Programmer Identification:	0000
5. Current Date:	17-02-2021
6. Current Time:	12:33:24
7. Current Season:	04

History Billing Data

Last 4 month billing data(10-2020)

Energy

No.	Description	Value
1	Total Active Energy(+)	1662.41(kWh)
2	Total Active Energy(+) Rate-T1	2.77(kWh)
3	Total Active Energy(+) Rate-T2	1659.63(kWh)
4	Total Active Energy(+) Rate-T3	0.00(kWh)
5	Total Active Energy(+) Rate-T4	0.00(kWh)
6	Total Reactive Energy(+)	524.37(kvarh)
7	Total Reactive Energy(+) Rate-T1	1.22(kvarh)
8	Total Reactive Energy(+) Rate-T2	523.14(kvarh)
9	Total Reactive Energy(+) Rate-T3	0.00(kvarh)
10	Total Reactive Energy(+) Rate-T4	0.00(kvarh)

@ There is no difference in the data submitted by both the parties for the month of October, 2020.

Data Provided by the GEPCO for November 2020

KBK Electronics (Pvt.) Ltd., Lahore-Pakistan

History Billing Data

Meter Information

1. Consumer Identification:	00000000000000000000100815
2. Meter No.:	000000100815
3. Meter Type:	HXE34
4. Programmer Identification:	0000
5. Current Date:	13-09-2021
6. Current Time:	17:34:28
7. Current Season:	03

History Billing Data

Last 10 month billing data(11-2020)

Energy

No.	Description	Value
1	Total Active Energy(+)	1786.61(kWh)
2	Total Active Energy(+) Rate-T1	24.13(kWh)
3	Total Active Energy(+) Rate-T2	1762.48(kWh)
4	Total Active Energy(+) Rate-T3	0.00(kWh)
5	Total Active Energy(+) Rate-T4	0.00(kWh)
6	Total Reactive Energy(+)	564.27(kvarh)
7	Total Reactive Energy(+) Rate-T1	7.86(kvarh)
8	Total Reactive Energy(+) Rate-T2	556.40(kvarh)
9	Total Reactive Energy(+) Rate-T3	0.00(kvarh)
10	Total Reactive Energy(+) Rate-T4	0.00(kvarh)

Ser	Month	Off-Peak reading charged by GEPCO	Off-Peak reading as per data downloading report
m.	Jul, 2020	1677	1658.24
n.	Aug, 2020	1677	1658.24
o.	Sep, 2020	Data not available	
p.	Oct, 2020	1677	1659.63
q.	Nov, 2020	1762	1762.48
r.	Dec, 2020	2013	2013.24
s.	Jan, 2021	2353	2324.92
Note: Multiplying factor is 4000 in the instant case.			

- (vi) Snap(s) printed by GEPCO on energy bill for the month of January, 2020 indicates Off-Peak reading on the meter upto the index of 1657.38 whereas GEPCO had already charged reading upto the index of 1677 in energy bill for the month of June, 2019 which proves the stance of the Complainant that there was some consumption between July, 2019 to January, 2020 but the same was not charged in order to adjust the already excessive billing carried out by GEPCO upto the month of June, 2019. Moreover, in electricity bill provided by the complainant for the period July, 2019 to June, 2020 reading is static with reading index Off-Peak= 1677. During the said period snaps for both readings i.e. Off-Peak/Peak are partially pasted, however, where snaps are available certain reading can be seen printed on bills. Furthermore, only snap of Peak reading is available on bill for the month of June, 2019 whereas no snap is pasted regarding Off-Peak reading on the said bill.
- (vii) In order to arrive at an informed decision, a hearing of all the DISCOs and K-Electric was held on February 25, 2022 though Zoom Application to examine the practice for provision of relief to the industrial consumers in other DISCOs in similar cases. The representatives of most of the DISCOs informed that as per Industrial Support Package, relief is being provided to all industrial consumers regardless to the number of units consumed in corresponding months of the pre-covid period/reference month. GEPCO has also extended the said support package to such consumer(s) i.e. another consumer under reference No. 28121360021700 was granted industrial support package against consumption of eight (80) units with zero MDI during the month of December, 2019. According to National Electric Power Regulatory Authority Consumer Eligibility Criteria (Distribution Licensees) Regulations, 2022, a distribution licensee shall ensure that all applicants and consumers are treated in a non-discriminatory, fair, transparent and just manner.
- (viii) This office vide letter dated December 22, 2021 followed by another letter dated January 20, 2022; directed the Complainant for provision of concrete evidence/proof that his factory was in running condition/remained operational during the disputed period i.e. November, 2019 and December, 2019. In response the Complainant submitted documents pertaining to other utilities and social security which proves that the premises was functional during the disputed period i.e. November, 2019, December, 2019 and January, 2020.
- (ix) The slab-wise criteria for providing industrial relief package is for new consumers whose previous reference consumption is not available. The Complainant is an existing consumer of GEPCO as such the slab criteria is not applicable on the instant Complainant.

7. Foregoing in view, it is concluded that data of the meter was downloaded on February 17, 2021, however, GEPCO deliberately did not provide the same to hide the evidences. Similarity in data downloading reports submitted by both the parties pertaining for the months of August-2020, October-2020, November-2020, December-2020 and January-2021 proves that data was retrieved during the month of February, 2021 and data retrieval report dated February 17, 2021 submitted by the Complainant is valid, correct and authentic which can be used as an evidence. Moreover, utility bills, social security documents submitted by the Complainant and snaps printed by GEPCO on electricity bills for the months of June, 2019 and January, 2020 shows that consumption of the Complainant was not zero during the disputed period i.e. November, 2019, December, 2019 and January, 2020, however, GEPCO had declared the consumption of the Complainant zero during the above period. Moreover, slab criteria for calculation of reference consumption is applicable for new connections only and not on existing consumers and GEPCO has granted the said package to other consumer having eighty (80) units consumption under reference No. No. 28121360021700.

8. In light of the above, it is clear from data downloading reports and arguments of the Complainant that GEPCO did not charge units during the period from July, 2019 to October, 2020 to adjust the excessive billing carried out by GEPCO upto the month of June, 2019 whereas there was some consumption during the said period. Therefore, GEPCO is directed to consider the data downloading reports and treat the Complainant as per other industrial consumers for providing industrial support relief (if applicable in this case), however, all codal formalities must be observed alongwith the relevant approvals of Government of Pakistan.

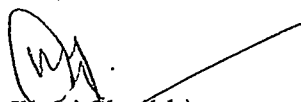
9. The Complaint is disposed of in above terms.



(Lashkar Khan Qambrani)
Member Consumer Complaints Tribunal
Director (CAD)



(Muhammad Irfan-ul-Haq)
Member Consumer Complaints Tribunal
Assistant Legal Advisor



(Naweed Illahi Shaikh)
Convener Consumer Complaints Tribunal/
Director General (CAD)

Islamabad, January 05, 2024