



National Electric Power Regulatory Authority

ISLAMIC REPUBLIC OF PAKISTAN
NEPRA TOWER Attaturk Avenue (East),
Sector G-5/1, Islamabad.
Ph:051-2013200, Fax: 051-2600021

TCD.04/ 377-2025
January 27, 2025

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

SUBJECT: DECISION IN PURSUANCE OF THE JUDGEMENT OF APPELLATE TRIBUNAL (NEPRA) IN APPEAL NO. 76/NT/2024 FILED BY GEPCO AGAINST DECISION OF NEPRA DATED JANUARY 05, 2024
Complaint No. **NHQ-4431-21**

Please find enclosed herewith the decision of the NEPRA Consumer Complaints Tribunal dated January 27, 2025 regarding the subject matter for necessary action.

Encl: As above

Copy to:-

1. Registrar, Appellate Tribunal (NEPRA),
G-10 Markaz, Islamabad
2. C.E/ Customer Services Director,
Gujranwala Electric Power Company (GEPCO),
565/A, Model Town GT Road, Gujranwala.
3. XEN (Operations), Cantt Gujranwala.
Gujranwala Electric Power Company (GEPCO),
Gujranwala.
4. Mr. Ijaz Ahmed
S/o Malik Ghulam Rasool
R/o Ghafoor Steel Furnace,
Near Sialkot Bypass Chowk, Gujranwala
Cell: 0300-8644310

(With reference to appeal No 76/NT/2024)
GEPCO vs NEPRA and Another

(Muhammad Bilal)
Additional Director (CAD)



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: September 04, 2024
November 13, 2024

**On behalf of
Complainant:**

- 1) Mr. Muhammad Asif Malik
- 2) Mr. Muhammad Jalal, Counsel
- 3) Mr. Abdul Haq, Counsel

Respondent:

- 1) Mr. Unser Mahmood, Chief Law Officer GEPCO
- 2) Mr. Waheed Ahmed, Regional Manager (M&T) GEPCO
- 3) Mr. Talal Arshad, XEN, GEPCO
- 5) Mr. Qasim Duggal, Counsel for GEPCO

SUBJECT: DECISION IN PURSUANCE OF THE JUDGEMENT OF APPELLATE TRIBUNAL (NEPRA) IN APPEAL NO. 76/NT/2024 FILED BY GEPCO AGAINST DECISION OF NEPRA DATED JANUARY 05, 2024

DECISION

In Compliance with the judgment of the Appellate Tribunal NEPRA in Appeal No. 76/NT/2024 filed by Gujranwala Electric Power Company (hereinafter referred to as "The Appellant" or "GEPCO"), this decision shall dispose of the complaint filed by Mr. Ijaz Ahmed, M/s Ghafoor Steel Furnace (hereinafter referred to as "the Complainant") against GEPCO.

2. Brief facts of the case are that NEPRA received a complaint wherein the Complainant submitted that the Government of Pakistan announced an incentive package for industrial consumers and 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 with the Complainant who raised observations on GEPCO's response that the slab criteria for calculation of reference consumption is 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 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 dial 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 showed 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 was examined in detail in light of the record made so available by parties, arguments advanced during the hearing and applicable law. The following was 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 billing carried out by GEPCO during the month of June, 2019. The Complainant submitted data retrieval report downloaded on February 17, 2021 for the period January, 2020 to February, 2021. The analysis of said report shows that the consumption for the month of January, 2020 was 1657.36 Off-Peak units whereas GEPCO had already charged 1677 Off-Peak units in bill for the month of June, 2019, therefore, stance of the Complainant regarding charging of excessive billing and deliberately not charging of units by GEPCO in subsequent months is justified.
- (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 were 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

(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 comprised of the period from January, 2020 to February, 2021. In both data downloading reports data pertaining to some months was common. The relevant extract of data provided by the Complainant and GEPCO is as under:



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)

Data Provided by the Complainant 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: 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 was 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)

Electronics (Pvt.) Ltd., Lahore-Pakistan

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1. Consumer Identification:	00000000000000000000
2. Meter No.:	00000000000000000000
3. Meter Type:	HXZ34
4. Programmer Identification	0000
5. Current Date:	17-02-2021
6. Current Time:	12:33:24
7. Current Season:	04

Last 1 month billing data(01-2021)

No.	Description	Value
1	Total Active Energy(+)	2472.08(kWh)
2	Total Active Energy(+) Rate-T1	147.16(kWh)
3	Total Active Energy(+) Rate-T2	2324.92(kWh)
4	Total Active Energy(+) Rate-T3	0.00(kWh)
5	Total Active Energy(+) Rate-T4	0.00(kWh)
6	Total Reactive Energy(+)	762.08(kvarh)
7	Total Reactive Energy(+) Rate-T1	46.73(kvarh)
8	Total Reactive Energy(+) Rate-T2	735.35(kvarh)
9	Total Reactive Energy(+) Rate-T3	0.00(kvarh)
10	Total Reactive Energy(+) Rate-T4	0.00(kvarh)

(v) It was also observed from billing history printed on electricity bills, that the Complainant was not charged units during the period from July, 2019 to October, 2020. Available data downloading reports submitted by the Complainant as well as by GEPCO proved some consumption during the period January, 2020 to October, 2020. The Complainant was charged bill upto reading dial index of 1677 Off-Peak during the month of June, 2019. According to data downloading report excessive reading was adjusted (covered) during the month of November, 2020 when Off-Peak reading was 1762.48 units. Detail is given as under:

Ser	Month	Off-Peak reading charged by GEPCO	Off-Peak reading as per data downloading report
a.	July, 2019	1677	Data not available
b.	Aug, 2019	1677	Data not available
c.	Sep, 2019	1677	Data not available
d.	Oct, 2019	1677	Data not available
e.	Nov, 2019	1677	Data not available
f.	Dec, 2019	1677	Data not available
g.	Jan, 2020	1677	1657.36
h.	Feb, 2020	1677	1657.50
i.	Mar, 2020	1677	1657.57
j.	Apr, 2020	1677	1657.71
k.	May, 2020	1677	1657.90

Ser	Month	Off-Peak reading charged by GEPCO	Off-Peak reading as per data downloading report
l.	Jun, 2020	1677	1657.91
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 indicated 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 proved 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 was static with reading index Off-Peak= 1677. During the said period snaps for both readings i.e. Off-Peak/Peak were partially pasted, however, where snaps were available certain reading could be seen printed on bills. Furthermore, only snap of Peak reading was available on bill for the month of June, 2019 whereas no snap was 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 through 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 had 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 proved 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 was for new consumers whose previous reference consumption is not available. The Complainant is an existing consumer of GEPCO as such the slab criteria was not applicable on the instant Complainant.

7. Foregoing in view, it was concluded that data of the meter was downloaded on February 17, 2021, however, GEPCO deliberately did not provide the same to hide the evidences. Similarly data downloading reports submitted by both the parties pertaining for the months of August-2020, October-2020, November-2020, December-2020 and January-2021 proved that data was retrieved during the month of February, 2021 and data retrieval report dated February 17, 2021 submitted by the Complainant was valid, correct and authentic which could be used as 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 showed 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 was applicable for new connections only and not on existing consumers and GEPCO had granted the said package to other consumer having eighty (80) units consumption under reference No. 28121360021700. Accordingly, GEPCO was 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). GEPCO was further directed that all codal formalities must be observed along with the relevant approvals of Government of Pakistan.

8. Being aggrieved, GEPCO approached the Appellate Tribunal (NEPRA) vide Appeal No. 76 NT/2024 under Section 12G of NEPRA Act whereby the Appellate Tribunal vide judgment dated June 27, 2024 remanded the complaint back to NEPRA for re-hearing and re-decision afresh. The operative part of judgement is as under:

"8. In light of the submissions made by counsel for the parties, it has been observed by us that throughout the proceedings, both the parties stuck to their controversial stand of existence and non-existence of record of GEPCO qua present consumer for the reference months. The Tribunal in such scenarios was under legal obligation to collect authentic evidence and for that purpose should have exercised inquisitorial jurisdiction / power.....

11. In view of the above deliberation, while answering the above issue in favor of the appellant, the appeal is allowed, the impugned order is set aside, and the complaint of the Consumer will be deemed pending before the Tribunal who will adjudicate it afresh after summoning all the officers (named in Para No. 10 of the judgment) [in case of non-availability of any such witness, his secondary evidence may be recorded] or any other relevant officer/s and examining to dig out the truth."

9. In compliance of the above, a hearing was held on September 04, 2024 at NEPRA Head office Islamabad. The hearing was attended by both parties and the matter was deliberated at length. During the hearing, the Complainant submitted certain documents pertaining to the case specifically copy of application submitted to CEO GEPCO regarding data downloading and correspondence made by GEPCO officials thereto. GEPCO was directed to take necessary action for verification of said documents at its own and submit report. However, GEPCO failed to submit report within the stipulated time period. In order to provide a final opportunity to GEPCO, another hearing was held on November 13, 2024 at NEPRA Head office Islamabad. The hearing was attended by both the parties. During the hearing, GEPCO acknowledged that after perusal of the record of the documents submitted by the Complainant during the hearing and after examining the same through concerned record, it was found that the covering letters as well as data in question is accurate as per available record.

10. The case has been examined in detail in light of written / verbal arguments of the parties. The 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. 38,78,760/- 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 billing carried out by GEPCO during the month of June 2019. As evidence, the Complainant submitted data retrieval report for the period January 2020 to February 2021. The analysis of said report shows consumption for the month of January, 2020 is 1657.36 Off-Peak units whereas GEPCO has already charged 1677 Off-Peak units in bill for the month of June, 2019, therefore, stance of the Complainant regarding charging of excessive billing and deliberately not charging of units by GEPCO in subsequent months is justified. The data retrieval report submitted by the Complainant was provided to GEPCO for verification and GEPCO acknowledged that the data retrieval record is accurate.
- (iii) The billing history of the Complainant shows that no units were charged by GEPCO during the period from July, 2019 to October, 2020. Available data downloading reports submitted by the Complainant as well as by GEPCO prove consumption during the period January, 2020 to October, 2020. The Complainant was charged bill upto reading dial index of 1677 Off-Peak during the month of June, 2019. According to data downloading report excessive reading was adjusted (covered) during the month of November, 2020 when Off-Peak reading was 1762.48 units.
- (iv) 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.

11. In light of the above, as per directions of the Appellate Tribunal NEPRA the instant case was re-examined, and relevant officials were summoned to obtain accurate data from GEPCO pertaining to consumption of units by the Complainant during the disputed period. GEPCO acknowledged that after scrutiny of the data retrieval record provided by the Complainant it was found accurate. Therefore, it is clear from data downloading report 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 report(s) correct and treat the Complainant as per other industrial consumers to whom Industrial Support Package has been given in accordance with approved policy (if applicable in this case), however, all codal formalities must be observed alongwith the relevant approvals of Government of Pakistan.


(Lashkar Khan Qambrani)

Member Complaints Resolution Committee/
Director (Consumer Affairs)


(Muhammad Irfan ul Haq)

Member Complaints Resolution Committee/
Assistant Legal Advisor


(Naveed Wajid Shaikh)

Convener Complaints Resolution Committee/
Director General (CAD)

Islamabad, January 27, 2025