



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

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No. NEPRA/AB/Appeal-152/POI-2016/1575-1579

October 30, 2017

1. Shahzad Iqbal,  
S/o Sh. Abdul Hameed,  
Near Mustafa School,  
Mohallah Jinnah Park,  
Muridke, District Sheikhpura
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Mirza Sajid Baig,  
Advocate High Court,  
125-District Courts,  
Gujranwala
4. Assistant Manager (Operation),  
LESCO Ltd,  
City Sub Division,  
Near Tehsil Headquarter Hospital,  
Muridke, District Sheikhpura
5. Electric Inspector,  
Gujranwala Region,  
Govt. of Punjab,  
Munir Chowk, Near Kacheri Road,  
Gujranwala

Subject: Appeal Titled LESCO Vs. Shahzad Iqbal Against the Decision Dated 30.06.2016 of the Electric Inspector/POI to Government of the Punjab Gujranwala Region, Gujranwala

Please find enclosed herewith the Decision of the Appellate Board dated 26.10.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-152/POI-2016/1580

October 30, 2017

Forwarded for information please.

  
Assistant Director  
Appellate Board

✓ Registrar

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-152/POI-2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Shahzad Iqbal S/o Sh. Abdul Hameed, Near Mustafa School,  
Mohallah Jinnah Park, Muridke, District Sheikhpura

.....Respondent

For the appellant:

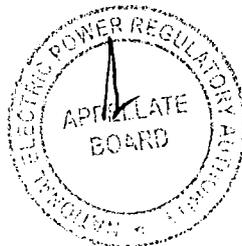
Mirza Sadiq Baig Advocate  
Mr. Ejaz Ahmed

For the respondent:

Nemo

### DECISION

1. Brief fact of the case are that the respondent is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No. 11-65201-762010 with tariff A-1. The meter of the respondent was checked by Metering & Testing (M&T) LESCO on 07.05.2015 and reportedly it was found 65% slow. Initially a detection bill for 2,795 units for the period March 2015 to May 2015 (3 months) was charged to the respondent on the basis of consumption of previous three years, which was subsequently curtailed to 1,400 units for the period April 2015 to May 2015 (two months) by the Circle Review Committee. Multiplication Factor (MF) of the respondent was raised from 1 to 2.85 by LESCO w.e.f June 2015 and onwards till the replacement of the defective meter vide Meter Change Order (MCO) dated 13.08.2015.



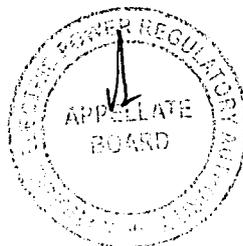


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2. The respondent was aggrieved with the irregular billing, therefore filed an application before Provincial Office of Inspection Gujranwala Region, Gujranwala (hereinafter referred to as POI) on 02.09.2015 and challenged the arrears of Rs.94,307/- accumulated till August 2015. The matter pertaining to the disputed billing was decided by POI vide its decision dated 30.06.2016 with the following conclusion:

*“For the reason what has been discussed above, it is held that impugned meter was correct till 04/2015 at the reading index 2279 and it became 65% slow with effect from 05/2015 till its removal in 08/2015 at reading index 2756; therefore, the detection bill charged for 1400 units from 04/2015 to 05/2015 and onward estimated billing till 08/2015 are void, unjustified and of no legal effect and the petitioner is not liable to pay the same. The total justified consumption with 65% slowness from 05/2015 to 08/2015 appears as  $(2756-2279) \times 2.85 = 1,359$  units whereas respondents have charged estimated billing of  $568+702+673+2001=3944$  units i.e.  $3944-1359=2585$  units in excess. The respondents are directed to give the credit of 2,585 excess units and also directed to withdraw the impugned detection of 1,400 units being unjustified and illegal. The respondents are further directed to restore the connection of the petitioner by installing accurate meter immediately and overhaul the account of the petitioner and any excess amount be refunded to the petitioner in future bills.”*

3. Through the instant appeal, afore-referred decision (hereinafter referred to as the impugned decision) has been assailed by LESCO before NEPRA under Section 38(3) of NEPRA Act 1997. In its appeal, LESCO inter alia, contended that meter of the

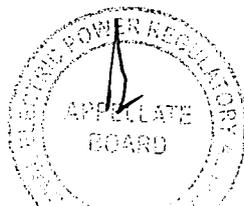




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respondent was found 65 % slow during M&T checking dated 07.05.2015, therefore the detection bill of 2,795 units for the period March 2015 to May 2015 was charged to the respondent. As per LESCO, Circle Review Committee afforded a relief and accordingly the detection bill was curtailed to 1,400 units for two months only i.e. April 2015 to May 2015. LESCO submitted that due to non-payment of electricity bills, arrears accumulated to the tune of Rs.94,307/- till August 2015 against which the respondent got two installments and paid the first installment of Rs.29,000/- without any protest. LESCO submitted that POI failed to consider the facts of the case and the evidence placed on record, hence the impugned decision was passed without application of the judicial mind and liable to be set aside.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, but there was no response.
5. Hearing of the appeal was held at Lahore on 03.10.2017, in which Mirza Sajid Baig along with Mr. Ejaz Ahmed represented the appellant LESCO, whereas no one represented the respondent. Learned counsel for the appellant LESCO reiterated the same arguments as given in memo of the appeal and contended that the disputed meter was found 65% slow by M&T LESCO on 07.05.2015, therefore the detection bill of 1,400 units for April 2015 to May 2015 charged to the respondent is legal, justified and the determination of POI to cancel the aforesaid detection bill is not based on merits.
6. We have heard the arguments of LESCO and examined the record placed before us. The electricity meter of the respondent was found 65 % slow during M&T checking on 07.05.2015, therefore the detection bill of 1,400 units for April 2015 to May 2015 was





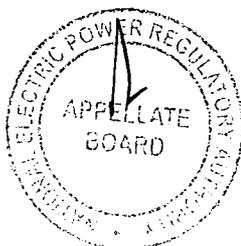
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charged to the respondent and further MF was raised from 1 to 2.85 from June 2015 and onwards till the replacement of the meter on 13.08.2015. The respondent challenged the arrears of Rs. 94,307/- till August 2015 before POI on 02.09.2015. In this regards, the appellant did not provide any document i.e. billing statement, revised detection bill and MCO dated 13.08.2015, which could support its contention regarding the disputed billing and moreover defective meter of the respondent was even not produced before POI to verify 65 % slowness of the meter as claimed by LESCO. However perusal of the available record has transpired that last reading recorded by the defective meter was 2,756 till MCO dated 13.08.2015. In order to ascertain the correctness of the billing during the disputed months consumption data is given hereunder:

Month	Units already charged	Reading Index	MF
January 2015	498	746	1
February 2015	496	1242	1
March 2015	799	2041	1
April 2015	238	2279	1
May 2015	468	2,847	1
June 2015	702	3,093	2.85*
July 2015	673	3,329	2.85
August 2015	2001	4,031	2.85

\* MF raised

From the above table, it is emerged that the respondent was charged as per actual consumption recorded by the meter till March 2015, which is also admitted by LESCO. But the consumption of the respondent drastically declined in April 2015,





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from which it is construed that the meter became 65% slow w.e.f April 2015 to August 2015. Therefore respondent was charged the detection bill of 1,400 units for the period April 2015 to May 2015 and with enhanced MF=2.85 w.e.f June 2015 to August 2015. In order to assess the justification of the billing for the period April 2015 to August 2015, the calculation is made below:

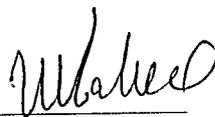
(A) Total units already charged			(B) Total units to be charged @ 65% slowness	(C) Net units to be credited
Normal	Detection	Total	= (meter reading – reading of Mar 2015) x MF at the time of removal	= (A) – (B)
3,614	1,400	5,014	= (2,756 – 2,041) x 2.85	= 5,014 – 2,038
			= 2,038	= 2,976

7. In view of above, we have reached to the conclusion that the respondent should be credited **2,976 units** against the disputed billing (normal+ detection) for the disputed period April 2015 to August 2015 as calculated in the table above. The impugned decision for providing credit of (1,400 detection + 2,586 normal) units is not justified and is modified accordingly.

8. The appeal is disposed of in above terms.

  
 Muhammad Qamar-uz-Zaman  
 Member

  
 Muhammad Shafique  
 Member

  
 Nadir Ali Khoso  
 Convener

Dated: 26.10.2017

