



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

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No. NEPRA/AB/Appeal/080/2017/ 1037-1042

June 21, 2018

1. Muhammad Usman Moazzam
S/o Muhammad Bilal Moazzam,
Through Mustafa Moazzam,
R/o. Quarter No. 108/B,
G.O.R. III, Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Syed Kashif Ali Bokhari
Advocate High Court,
170-Ravi Park, Lahore
4. A. D. Bhatti
Advocate High Court,
Office No. 4, Rehmat Tower,
13-Fane Road, Lahore
5. Assistant Manager (Opr),
LESCO Ltd,
Ichhra Sub Division,
Lahore
6. Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Muhammad Usman Moazzam Against the Decision Dated 21.03.2017 the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 19.06.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal/080/2017/ 1043

June 21, 2018

Forwarded for information please.

Assistant Director
Appellate Board

✓ Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 080/2017

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Usman Moazzam, S/o Muhammad Bilal Moazzam,
Through Mustafa Moazzam, R/o Quarter No.108/B, G.O.R.III, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 21.03.2017 PASSED BY PROVINCIAL
OFFICE OF INSPECTION, LAHORE REGION, LAHORE**

For the appellant:

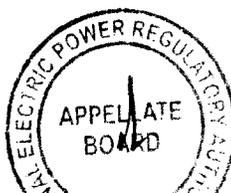
Syed Kashif Ali Bukhari Advocate
Mr. Maqsood Ahmed AM(O)ad XEN

For the respondent:

Mr. A.D. Bhatti Advocate

DECISION

1. Brief facts give rise to the instant appeal are that the respondent is a domestic consumer of LESCO bearing Ref No.12-11251-0983804 having the sanctioned load of 5 kW and the applicable tariff is A-1a. Old meter of the respondent was replaced with the new meter by LESCO in September 2015 on the plea that its display was not visible. Thereafter, the respondent was charged the bill for March 2016, total amounting to Rs.204,131/-(current bill of Rs.3,191/- + arrear bill of Rs.200,940/- for 9,475 units), which subsequently was reduced to Rs.83,760/-by LESCO. The respondent challenged





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the said bill before Provincial Office of Inspection (POI) vide the application on 29.04.2016. Complaint of the respondent was decided vide POI decision dated 21.03.2017, wherein the detection bill of Rs.200,940/- (subsequently revised to Rs. 83,760/-) for 9,475 units was declared null and void.

2. LESCO has filed the subject appeal, wherein inter alia, it is averred that the old meter of the respondent was replaced with new meter due to vanished display and sent to laboratory on 11.10.2015 for data retrieval. As per LESCO, 9,475 units were discovered pending vide the data retrieval report dated 19.02.2016, which were charged to the respondent in March 2016. LESCO prayed that the impugned decision is against the facts and law and the matter be adjudicated by the civil court being the competent forum.
3. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 11.08.2017. The respondent objected the maintainability of the impugned decision on the ground of limitation. On merits, the respondent rebutted the contentions of LESCO and contended that neither any prior notice was served nor the provisions of Consumer Service Manual (CSM) were followed for charging the arrear bill on account of pending units. As per respondent, no discrepancy whatsoever was noticed by LESCO before the alleged checking, hence charging the 9,475 units is false and concocted. The respondent prayed that the impugned decision is liable to be upheld





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and the appeal be dismissed with cost.

4. Hearing of the appeal was held in the NEPRA regional office Lahore on 25.05.2018, wherein both the parties appeared. Syed Kashif Ali Bukhari learned counsel for LESCO contended that the display of the old meter became vanished, hence it was replaced in September 2015 and sent to laboratory for downloading the consumption data. As per LESCO counsel's version, 9,475 units were found uncharged, hence the arrear bill of Rs.200,940/- for 9,475 units is justified and the respondent is responsible for payment of the same. On the contrary the respondent reiterated the same stance as given in his reply/parawise comments to the appeal, defended the impugned decision and prayed that the same is liable to be maintained.

5. Arguments heard, perused the record placed before us. Regarding point of limitation, it is observed that the impugned decision was announced by POI on 21.03.2017, copy of the same was received by LESCO on 11.04.2017 and the appeal against the same was filed on 08.05.2017 within 30 days as envisaged under section 38 of NEPRA Act, 1997. Hence objection of limitation raised by the respondent is over ruled. LESCO claims that the display of the old meter became vanished, hence the same was replaced and sent to M&T laboratory for data retrieval. According to LESCO, 9,475 units were found pending as per data retrieval report dated 16.02.2016, hence the arrear bill of Rs.200,940/- was charged in March 2016. The respondent agitated the said arrear bill before POI. Claim of LESCO regarding the vanished display of the meter does not bear any force as the disputed meter was not produced before POI to confirm its





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defectiveness. As regards data retrieval, it was executed unilaterally by LESCO and the said report of the disputed old meter was not placed before us. We are inclined to agree with the findings of POI that LESCO did not raise any objection upon the accuracy of the meter till February 2016 and was charging the regular bills to the respondent, hence charging the arrear bill of Rs.200,940/- (subsequently revised to Rs.83,760/-) for 9,475 units in March 2016 is unjustified and cancelled as already determined in the impugned decision.

6. Forgoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 19.06.18

