



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

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No. NEPRA/AB/Appeal/008/POI/2020/ 154

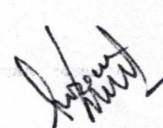
February 08, 2022

1. Muhammad Imran,
S/o. Muhammad Ilyas,
R/o. Mandianwala Village,
Post Office Barki Cantt, Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
4. Sub Divisional Officer (Opr),
LESCO Ltd,
Sahafi Colony Sub Division,
Lahore
5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Muhammad Imran Against the Decision Dated 27.09.2019 of the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 02.02.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 008/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Imran, S/o Muhammad Ilyas, R/o Mandianwala
Village, Post Office Barki Cantt, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 27.09.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

DECISION

1. Briefly speaking, the Respondent is a domestic consumer of the LESCO bearing Ref No.12-11316-0854100 with a sanctioned load of 01 kW under the A-1(a) tariff category. LESCO issued a bill of Rs.8,360/- to the Respondent in April 2016 against which made a partial payment of Rs.2,360/-. Consequently, LESCO disconnected the electric supply of the Respondent with a meter reading of 39,757





National Electric Power Regulatory Authority

due to non-payment of arrears of Rs.6,489/-. Subsequently, LESCO visited the premises of the Respondent in November 2018 and observed that the Respondent was using electricity and the meter reading had advanced from 39757 to 45261 during the period April 2016 to November 2018. Therefore, LESCO charged a bill of Rs.144,596/- to the Respondent in November 2018 which included the bill of Rs.134,538/- for 5,504 units on account of accumulated readings.

2. Against the charging of the above bill, the Respondent filed an application dated 21.12.2018 before the Provincial Office of Inspection, Lahore Region, Lahore (the POI). LESCO disconnected the electric supply of the Respondent vide Disconnection Order dated 18.02.2019 due to non-payment of arrears of Rs.147,867/- till February 2019. The matter was disposed of by the POI vide decision dated 27.09.2019, wherein the bill of Rs.144,596/- for November 2018 charged by the LESCO was declared null & void. LESCO was directed to overhaul the billing account of the Respondent accordingly.
3. Being dissatisfied with the decision of the POI dated 27.09.2019 (hereinafter referred to as the impugned decision), the LESCO filed the instant appeal before NEPRA. In its appeal, LESCO contended that the connection of the Respondent was disconnected in papers but physically he was using electricity and the consumption was recorded by the meter of the Respondent. LESCO further contended that the connection of the Respondent was restored vide Reconnection Order (RCO) dated 12.11.2018 and a bill of Rs.144,596/- was issued to the Respondent in November 2018 which contained the bill of Rs.134,538/- for 5,504





National Electric Power Regulatory Authority

units on account of accumulated readings. As per LESCO, the Respondent instead of making the payment of the above arrears, agitated the same before the POI. As per the LESCO, the POI misconstrued the real facts of the case and erred in declaring the bill of Rs.144,596/- for November 2018 as void and of no legal effect. According to the LESCO, the POI neither recorded the evidence nor perused the relevant consumption data in true perspective and decided the application of the Respondent on mere surmises and conjectures. LESCO submitted that the application of the Respondent was decided after the expiry of ninety (90) days, which is violative of Section 26(6) of the Electricity Act, 1910. LESCO further submitted that the POI has failed to appreciate that the complaint could not be entertained as no notice as required under Section 26(6) of the Electricity Act, 1910 was served to the LESCO before filing the complaint before the POI. LESCO finally prayed that the impugned decision be set aside.

4. Notice for filing reply/para-wise comments to the appeal was served to the Respondent, which however were not filed.
5. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Lahore on 14.01.2022, which was attended by learned counsel for the Appellant LESCO and no one represented the Respondent. Learned counsel for the LESCO reiterated the same contentions as given in memo of the appeal and submitted that the electricity of the Respondent was disconnected by the LESCO on papers due to non-payment of the electricity bill for April 2016. Learned counsel for the LESCO averred that the Respondent was found using the electricity in November 2018 and





National Electric Power Regulatory Authority

5,504 units were found uncharged. As per learned counsel for LESCO, the RCO was effected on 12.11.2018 and the Respondent was charged a bill of Rs.134,538/- for 5,504 units for the period May 2016 to November 2018. According to the learned counsel for LESCO, the electricity of the Respondent was disconnected due to non-payment of the above-said bill vide the temporary disconnection order dated 18.02.2019. He termed the above bill as justified and payable by the Respondent.

6. Argument heard and the record examined. Following are our observations:

- i. With regard to the preliminary objection of the LESCO for the failure of the POI in deciding the matter within ninety (90) days as provided under Section 26(6) of the Electricity Act, 1910, it is clarified that the period of ninety (90) days provided in the Electricity Act, 1910 is not relevant for the POI established under the Section 38 of NEPRA Act, 1997. NEPRA is the appellate authority against the decisions of the POI and not that of Electric Inspectors. The same has already been held by the Honorable Lahore High Court, Lahore in the judgments reported in PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. Therefore, the stated time limit of ninety (90) days is inapplicable. The objection of the LESCO in this regard carries no weight, therefore rejected.
- ii. Another objection of LESCO for not issuing notice under Section 26(6) of the Electricity Act, 1910 by the Respondent before filing a complaint to the POI,



National Electric Power Regulatory Authority

it is clarified that the matter was adjudicated by the POI under the NEPRA Act, 1997 and the procedure laid down in the Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before filing a complaint before the POI. Hence objection of the LESCO is not sustainable under law.

- iii. LESCO debited a bill of Rs.8,360/- to the Respondent in April 2016 against which a partial payment of Rs.2,360/- was made. However, LESCO disconnected the electric supply of the Respondent with a meter reading of 39,757 due to non-payment of arrears of Rs.6,489/-. Subsequently, LESCO visited the premises of the Respondent in November 2018 and observed that the Respondent was using electricity and the meter reading had advanced from 39757 to 45261 during the period April 2016 to November 2018. Therefore, LESCO charged a bill of Rs.144,596/- to the Respondent in November 2018 which contained the bill of Rs.134,538/- for 5,504 units on account of accumulated readings. The Respondent challenged the above arrears before the POI.
- iv. If presumed the electric supply was disconnected by the LESCO on papers in April 2016 and the Respondent was physically using electricity for the period April 2016 to November 2018 for thirty-two (32) months. As to why the LESCO did not notice the illegal use of electricity by the Respondent during the said period. LESCO neither checked the status of the connection by





National Electric Power Regulatory Authority

physical verification during the said period nor was any action taken against the Respondent for use of electricity as per the provisions of the Consumer Service Manual (CSM). It is noted that the meter was not produced before the POI for independent verification of reading as claimed by the LESCO. Therefore the Respondent cannot be penalized by charging the accumulated 5,504 units for the period May 2016 to November 2018. For the foregoing reasons, we are of the view that the bill of Rs.144,596/- charged to the Respondent in November 2018 containing the arrears of Rs.134,538/- for 5,504 units on account of accumulated readings is unjustified and liable to be set aside, which is also the determination of the POI.

- v. However, the Respondent is liable to pay the remaining arrears of Rs.6,489/- pertaining to the bill for April 2016 along with late payment surcharge (LPS) and reconnection charges. LESCO may restore the electricity of the premises of the Respondent after the recovery of the above-said arrears, LPS, and reconnection charges. The impugned decision is liable to be modified to this extent.

- 7. Upshot of the above discussion is that the impugned decision for cancellation of the bill of Rs.144,596/- charged to the Respondent in November 2018 contained the arrears of Rs.134,538/- for 5,504 units is correct and maintained to this extent. LESCO is directed to restore the electricity of the premises of the Respondent after recovery of the remaining arrears of Rs.6,489/- pertaining to the bill for April 2016



National Electric Power Regulatory Authority

along with LPS and reconnection charges.

8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Date: 02.02.2022

