



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

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No. NEPRA/AB/Appeal/009/POI/2020/ 360

April 07, 2022

- |  |   |
|--|---|
| 1. Muhammad Shafqat,<br>S/o. Muhammad Siddique,<br>R/o. House No. 07-A, Street No. 45,<br>Near Afghan Park, Sanat Nagar,<br>Lahore                       | 2. Chief Executive Officer<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore              |
| 3. Mashkoo Haider Kazmi,<br>Advocate High Court,<br>Juris Mension, second floor,<br>Opposite Family Hospital<br>4-Mozang Road, Lahore                    | 4. Sub Divisional Officer (Operation),<br>LESCO Ltd,<br>Sanda Sub Division,<br>Lahore |
| 5. POI/Electric Inspector<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore |   |

Subject: **Appeal Titled LESCO Vs. Muhammad Shafqat Against the Decision Dated 30.09.2019 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 28.03.2022, 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. Additional Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. 009/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Shafqat S/o Muhammad Siddique,  
R/o House No.07-A, Street No.45, Near AfghanPark,  
Sanat Nagar, Lahore

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 30.09.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the Appellant:

Mr. Mashkoor Haider Kazmi Advocate

For the Respondent:

Nemo

### DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the 'LESCO') against the decision dated 30.09.2019 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, LESCO is a licensee of the National Electric Power Regulatory Authority (hereinafter referred to as 'the NEPRA') for distribution of electricity in



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the territory specified as per terms and conditions of the license and the Respondent is its domestic consumer bearing Ref No.07-11111-0714501 with a sanctioned load of 1 kW under the A-1(a) tariff category. The billing meter of the Respondent was checked by Metering and Testing (M&T) LESCO on 24.09.2018 and reportedly, it was found tampered for the dishonest abstraction of electricity. The disputed meter was removed by LESCO and handed over to the Police and FIR No.068/2019 dated 08.01.2019 was registered against the Respondent. Thereafter, a detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months was charged by the LESCO to the Respondent on the basis of the connected load and added in the bill for February 2019

3. Being aggrieved with the above actions of the LESCO, the Respondent filed a complaint before the POI on 27.02.2019 and assailed the above detection bill. The matter was disposed of by the POI vide decision dated 30.09.2019, wherein the detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months was declared as null & void.
4. Being dissatisfied with the decision of the POI dated 30.09.2019 (hereinafter referred to as 'the impugned decision'), the LESCO filed the instant appeal before NEPRA. In its appeal, LESCO opposed the maintainability of the impugned decision inter alia, on the following grounds; (1) the detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months was debited to the Respondent on account of dishonest abstraction of electricity through tampering the meter as observed on 24.09.2018; (2) the POI cancelled the above



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detection bill without considering the consumption of the disputed period i.e. April 2018 to September 2018, which proves the illegal abstraction of electricity through tampering with the meter; (3) the POI has not summoned the billing meter from the custody of the Police to find out the discrepancies; (4) the above detection bill was debited as per the applicable law; (5) the impugned decision is based on surmises and conjectures as no solid reasoning is forthcoming for cancellation of the abovementioned detection bill. LESCO prayed for setting aside the impugned decision.

5. Notice for filing reply/para-wise comments to the appeal was served to the Respondent, which however were not submitted.
6. After issuing notice, hearing of the appeal was held at the NEPRA Regional Office Lahore on 10.03.2022, which was attended by learned counsel for the Appellant LESCO but no one appeared for the Respondent. Learned counsel for the LESCO reiterated the same contentions as given in memo of the appeal and contended that the detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months was charged to the Respondent due to theft of electricity committed through the tampered meter as noticed by LESCO during checking on 24.09.2018. Learned counsel for LESCO opposed the analysis of the POI and argued that Chapter 9 of the CSM is applicable in the instant case being theft of electricity dispute. Learned counsel for LESCO prayed for setting aside the impugned decision being violative of Chapter 9 of the CSM. He further pleaded that the above detection bill be declared as justified and payable by the Respondent.



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

- i. The disputed billing meter of the Respondent was found tampered during the LESCO checking on 24.09.2018. Resultantly, a detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months was charged to the Respondent by LESCO and added in the bill for February 2019, which was agitated before the POI.
- ii. Clause 9.1c(3) of the CSM allows the LESCO to recover the detection bill maximum for three (3) months from the Respondent being general supply consumer i.e. A-I in the absence of approval of the Chief Executive Officer LESCO. However, LESCO charged the above detection bill for a period of six (6) months i.e. April 2018 to September 2018 to the Respondent due to theft of electricity. Hence, we hold that the detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months charged to the Respondent by the LESCO is unjustified being violative of ibid clause of the CSM and it is liable to be declared as null and void, which concurs with the determination of the POI.
- iii. LESCO lodged FIR No.68/2019 against the Respondent on account of theft of electricity and charged the above detection bill on the basis of connected load i.e. 4.109 kW. However, the Respondent neither submitted his reply to the appeal nor appeared before us to rebut the contentions of LESCO. Under these circumstances, the Respondent is liable to be charged the detection bill maximum for three (3) months i.e. July 2018 to September 2018 as per Clause 9.1c(3) of the CSM and calculation of the detection bill in this regard is done below as per the formula given in Annex VIII of the CSM on the basis of the connected load i.e. 4.109 as noticed by LESCO on 24.09.2018:



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Units/month to be charged = Sanctioned load (kW) x No. of Hours x Load factor  
 $4.109 \times 730 \times 0.2 = 600 \text{ units/month}$

### Period: July 2018 to September 2018 (Three (3) months)

(A) Total Units assessed	=Units/ month x No. of Months = 600 x 3 = <b>1,800 units</b>
(B) Total units already charged	= 13+179+219= <b>411 units</b>
(C) Net chargeable units	= (A) - (B) = 1800-411 = <b>1,389 units</b>

8. The upshot of the above discussion is that the impugned decision for cancellation of the detection bill of Rs.82,306/- for 3,513 units for the period April 2018 to September 2018 six (6) months is correct and maintained to this extent. LESCO is directed to charge the detection bill for net 1,389 units for the period July 2018 to September 2018 three (3) months to the Respondent. The billing account of the Respondent should be revised by LESCO after adjusting payments made against the above detection bill.
9. The impugned decision is modified in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Date: 28.03.2022