



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

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No. NEPRA/AB/Appeal/013/POI/2020/ 155


February 08, 2022

1. Rashid Mehmood,  
S/o. Talib Hussain,  
R/o. Tullis Pura, Post Office Bata Pur,  
Behind Dyal House, Canal Bank,  
Harbance Pura, Lahore
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Mehar Shahid Mahmood,  
Advocate High Court,  
Office No. 34, Third Floor,  
Ali Plaza, 3-Mozang Road,  
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. Rashid Mehmood Against the Decision Dated 22.10.2019 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. 013/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Rashid Mehmood S/o Talib Hussain, R/o, Tullis Pura,  
Post Office Bata Pur, Behind Dya House, Canal Bank,  
Harbans Pura, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 22.10.2019 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the Appellant:

Mr. Mehar Shahid Mehmood Advocate

For the Respondent:

Mr. Rashid Mehmood

### DECISION

1. Brief facts leading to the filing of instant appeal are that the Respondent is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "LESCO") bearing Ref No.03-11316-0289810-U with a sanctioned load of 1 k W under the A-1(a) tariff category. Reportedly, the display of the billing meter of the Respondent was found washed, hence it was replaced with a new meter by the LESCO and sent to the Metering and Testing (M&T) LESCO laboratory for checking. As per the data retrieval report of LESCO, 6,521 units were found uncharged. Therefore a detection bill of Rs.141,739/- for 6,521 units was debited to the Respondent by the LESCO and added in the bill for October 2018.







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2. Being aggrieved, the Respondent challenged the above detection bill before the Provincial Office of Inspection, Lahore Region, Lahore (the POI), who vide the decision dated 22.10.2019 declared the detection bill of Rs.141,739/- for 6,521 units as null and void and allowed the LESCO to charge the revised bill for 421 units.
3. LESCO has filed the instant appeal before the NEPRA against the POI decision dated 22.10.2019 (hereinafter referred to as the impugned decision), wherein it is contended that the POI had no jurisdiction to carry out the proceedings after the expiry of the mandatory period of ninety (90) days as per the Section 26(6) of the Electricity Act, 1910 and the impugned decision is coram non-judice, ab-initio void and without jurisdiction. LESCO further contended that the POI did not apply his judicious mind and passed the impugned decision based on illegal assumptions and presumptions. As per LESCO, the POI neither thrashed out the consisting reasons nor perused the record and assed the illegal order. LESCO finally prayed for setting aside the impugned decision is liable to be set aside.
4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which were filed on 30.12.2021. In his reply, the Respondent supported the impugned decision and submitted that the POI thoroughly examined the case and passed the speaking order, which is just, legal and the appeal filed against the same is liable to be dismissed.
5. Hearing of the appeal was held at the NEPRA Regional Office Lahore on 14.01.2022 wherein learned counsel represented the Appellant LESCO and the Respondent appeared in person. Learned counsel for the LESCO reiterated the same arguments as





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given in memo of the appeal and defended the charging of detection bill of Rs.141,739/- for 6,521 units to the Respondent on the plea that the said detection bill was charged on account of pending units as observed during the M&T LESCO checking. On the contrary, the Respondent defended the impugned decision and prayed for its maintainability.

6. Arguments heard and the record examined. It is observed as under:
  - i. As regards the preliminary objection of the LESCO regarding the failure of POI in deciding the matter within 90 days as envisaged in Section 26(6) of the Electricity Act, 1910, it may be explained that the period of 90 days is provided in Electricity Act, 1910 which is not relevant for the offices of Provincial Offices of Inspection (POI) established under Section 38 of NEPRA Act, 1997. NEPRA is the appellate authority against the decisions of POI and not that of Electric Inspectors. It has already been held by Honorable Lahore High Court in judgments cited as PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309 that the impugned order was passed by POI under section 38 of NEPRA Act, 1997 and not by Electric Inspector under Electricity Act, 1910 therefore, the outer time limit of 90 days is inapplicable. The objection of LESCO in this regard is devoid of force, therefore rejected.
  - ii. The Respondent disputed before the POI the detection bill of Rs.141,739/- for 6,521 units charged by LESCO due to pending units. However, no discrepancy whatsoever was pointed out by the LESCO meter reader during monthly readings before the replacement of the defective meter. Moreover, the LESCO neither associated the Respondent during the M&T checking nor produced the defective







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billing meter before the POI for checking. LESCO could not provide any documents to substantiate its claim that 6,521 units are found uncharged. In consideration of the above discussion, we are inclined to agree with the determination of POI that the detection bill of Rs.141,739/- for 6,521 units debited to the Respondent by the LESCO and added in the bill for October 2018 is unjustified and the same is cancelled. The Respondent may be charged the revised bill of 421 units as already determined by the POI.

7. Foregoing in view, the appeal is dismissed

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 02.02.2022

