



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

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No. NEPRA/AB/Appeal/031/POI/2020/ 4/10

April 18, 2022

- |   |   |
|---|---|
| 1. Muzamil Hussain,<br>S/o. Muzaffar Hussain,<br>R/o. Street No. 04, Abu Bakar Siddique Colony,<br>Bund Road, Near Gulshan Ravi Dubbal Sarrak,<br>Farzand Wali Ghatti, Lahore | 2. Chief Executive Officer<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore              |
| 3. Mashkooor Haider Kazmi,<br>Advocate High Court,<br>Juris Mension, second floor,<br>Opposite Family Hospital 4-Mozang Road,<br>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. Muzamil Hussain 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 13.04.2022, 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. 031/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muzamil Hussain S/o Muzaffar Hussain, R/o Street No.04,  
Abu Bakar Sidique Colony, Bund Road, Near Gulshan Ravi  
Double Sarrak, Farzand Wali Ghatti, 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. Mashkoor Haider Kazmi Advocate

For the Respondent:

Mr. Muzamil Hussain

### DECISION

1. Brief facts leading to the filing of instant appeal are that the Respondent is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the LESCO) bearing Ref No.46-11114-1363700-R with a sanctioned load of 20.5 kW under the B-1b tariff category. Reportedly, the billing meter of the Respondent was found defective, hence it was replaced with a new meter by the LESCO in July 2018. Subsequently, a detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) was debited to the Respondent by the LESCO on the basis of



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consumption of March 2018 and added in the bill for February 2019.

2. Being aggrieved, the Respondent challenged the above detection bill before the Provincial Office of Inspection, Lahore Region, Lahore (the POI) on 18.04.2019, who vide the decision dated 22.10.2019 declared the detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) as null and void on ex-parte basis.
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 defective meter of the Respondent was checked and found less units charged. therefore, a detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) was debited to the Respondent, which was assailed before the POI. LESCO further contended that the POI decided the matter on an ex-parte basis, which is against the canons and dispensation of justice. As per LESCO, no notice was served by the POI, hence all the proceedings taken at the back of the Appellant are illegal and are liable to be recalled. According to LESCO, the above detection bill was debited as per the applicable law. LESCO submitted that the impugned decision is based on surmises and conjectures as no solid reasoning is forthcoming for setting aside the abovementioned detection bill. LESCO prayed for setting aside the impugned decision.
4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments. which however were filed without the signature of the Respondent, hence those are invalid and not considered.



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5. Hearing of the appeal was held at the NEPRA Regional Office Lahore on 10.03.2022 which was attended by the learned counsel for the Appellant LESCO and the Respondent appeared in person. Learned counsel for the LESCO reiterated the same arguments as given in memo of the appeal and defended the charging of detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) to the Respondent on the plea that the billing meter became defective at the end of March 2018 and replaced in July 2018, hence above said detection bill was charged on account of less units charged during the period April 2018 to June 2018 based on consumption of March 2018 as per the departmental procedure. As per learned counsel for LESCO, the POI without providing an opportunity of hearing decided the matter ex-parte. Learned counsel for LESCO prayed that the impugned decision be struck down. On the contrary, the Respondent opposed the version of learned counsel for LESCO and averred that his meter became defective in June 2018 and it was replaced with a new meter in July 2018, as such the charging of the detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) is unjustified and liable to be set aside. The Respondent argued that the above detection bill was charged in February 2019 after seven months of the discrepancy, which is doubtful. As per Respondent, the consumption data even does not support the charging of the disputed detection bill. The Respondent submitted that nil consumption was charged in June 2018, hence, he is liable to pay the detection bill for the said month only. The Respondent denied the objection of LESCO regarding the ex-parte decision. He contended that LESCO had the knowledge of the proceedings before



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the POI, which is evident from the fact that the interim order of the POI was implemented.

6. Arguments heard and the record examined. It is observed as under:

- i. The Respondent disputed before the POI the detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 charged by LESCO due to the defective meter.
- ii. According to Clause 4.4(e) of the Consumer Service Manual (CSM), the Respondent is liable to be charged the detection bill maximum for two months in case of a defective meter and the basis of charging the detection bill be made on 100% consumption of corresponding month of previous year or average consumption of last eleven months, whichever is higher. However, in the present case, LESCO charged the detection bill for three months i.e. April 2018 to June 2018 and the basis was made on the consumption of preceding month i.e. March 2018. LESCO failed to follow the procedure as laid down in Chapter 4 of the CSM. LESCO neither provided meter checking report nor the Meter Change Order (MCO) to substantiate its stance. In consideration of the above discussion, we hold that the detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 (3 months) debited to the Respondent by the LESCO is unjustified and the same is liable to be cancelled. The impugned decision is liable to be maintained to this extent.
- iii. According to Clause 4.4(e) of the CSM, the Respondent is liable to be charged



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the detection bill for two months i.e. May 2018 and June 2018 only on the basis of consumption of May 2017 and June 2017 or average consumption of the last eleven months i.e. June 2017 to April 2018, whichever is higher as per Clause 4.4 of the CSM. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded that the detection bill of Rs.194,462/- for 10,418 units for the period April 2018 to June 2018 debited to the Respondent by the LESCO is unjustified and the same is cancelled. The Respondent may be charged the detection bill for two months i.e. May 2018 and June 2018 only on the basis of consumption of May 2017 and June 2017 or average consumption of the last eleven months i.e. June 2017 to April 2018. The billing account of the Respondent may be revised after adjustment of the payment made against the abovementioned detection bill.
8. The impugned decision is modified in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 13.04.2022