



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

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No. NEPRA/AB/Appeal/035/POI/2020/ 2/2

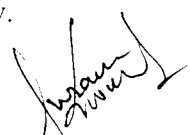
March 02, 2022

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| 1. Mubeen Wazir,
S/o. Muhammad Wazir,
R/o. Chicks Stop No. 25,
Jia Musa, Shahdara, Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Mehar Shahid Mehmood,
Advocate High Court,
Mehar Law Associates,
Office No. 34, Third Floor,
Ali Plaza, 3-Mozang Road, Lahore | 4. Sub Divisional Officer (Operation),
LESCO Ltd,
Jia Musa 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. Mubeen Wazir 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 07.02.2022, 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. 035/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mubeen Wazir W/o Muhammad Wazeer, R/o Chicks

Stop No.25, Jia Musa, Shahdara, 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:

Mehar Shahid Mehmood 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. As per the facts of the case, LESCO is a licensee of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the Respondent is industrial consumer bearing Ref No.46-11132-1528304-U with a sanctioned load of 5 kW under the B-2b tariff category. The billing meter of the Respondent was found defective during the checking by the Metering and Testing



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(M&T) LESCO on 06.02.2019. Notice dated 12.02.2019 was issued to the Respondent and a detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months was debited to the Respondent and added in the bill for March 2019.

3. Subsequently, the Respondent filed a complaint before the POI on 07.05.2019 and assailed the above-mentioned detection bill. The matter was disposed of by the POI vide decision dated 30.09.2019 in which the detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months was cancelled and the LESCO was directed to revise the bills for the period December 2018 and January 2019 and onwards till the replacement of the meter based on consumption of December 2017 and January 2018. The LESCO was further directed to overhaul the billing account of the Respondent, accordingly.
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, the LESCO opposed the maintainability of the impugned decision and prayed for its dismissal inter alia, on the following grounds (i) the POI failed to decide the application of the Respondent within 90 days as the application was filed on 07.05.2019 and it was decided on 30.09.2019, which is a clear violation of Section 26(6) of Electricity Act 1910; (2) the billing meter of the Respondent became defective on 06.02.2019 for which notice dated 12.02.2019 was served to the Respondent and a detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months was charged to the



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Respondent; (4) the POI did not apply judicious mind and passed the impugned decision on illegal assumptions and presumptions; and (5) the POI failed to consider the consumption record.

5. Notice for filing reply/para-wise comments to the appeal was served to the Respondent, which however were not filed.
6. A hearing in the matter was held at the NEPRA Regional Office Lahore on 14.01.2022, which was attended by learned counsel for the Appellant LESCO, however, no one appeared for the Respondent. Learned counsel for LESCO reiterated the same contentions as given in memo of the appeal and contended that the billing meter of the Respondent was found defective during the checking on 06.02.2019, hence the detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months was charged to the Respondent. Learned counsel for the LESCO defended the charging of the above detection bill and prayed that the impugned decision be struck down.
7. Argument heard and the record examined. Following are our observations:
 - i. As regards the preliminary objection of LESCO regarding the failure of POI in deciding the matter within ninety (90) days as envisaged in Section 26(6) of Electricity Act, 1910, it may be explained that the period of ninety (90) days is provided in the Electricity Act, 1910 which is not relevant for the offices of POI established under Section 38 of NEPRA Act, 1997. NEPRA is the appellate forum against the decisions of POI and not that of Electric Inspectors. The same has been held by the honorable Lahore High Court in the following cited



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judgments PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. The objection of LESCO in this regard is devoid of force, therefore rejected.

- ii. The Respondent disputed the detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months before the POI.
 - iii. According to Clause 4.4 of the Consumer Service Manual (CSM), the Consumer may be charged the detection bill for two (2) months in case of a defective meter. However, the Respondent was charged a detection bill for five (5) months due to the defective meter, which is violative of the aforesaid Clause of the CSM. The POI has rightly cancelled the detection bill of Rs. 195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months charged by the LESCO to the Respondent.
 - iv. It is an admitted fact that the disputed billing meter was found defective on 06.02.2019, therefore, the Respondent is liable to be charged the detection bill for two retrospective months i.e. December 2018 and January 2019 as per consumption of December 2017 and January 2018 or average consumption of last eleven undisputed months i.e. January 2018 to November 2018 and the onwards bills till the replacement of the defective meter on DEF-EST code as per Clause 4.4(e) of the CSM. The impugned decision is liable to be modified to this extent.
8. Upshot of the above discussion is that the detection bill of Rs.195,827/- for 8,423 units for the period September 2018 to January 2019 five (5) months charged by the



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LESCO is unjustified, therefore the same is cancelled. LESCO is directed to charge the detection bill for two months i.e. December 2018 and January 2019 and the bills w.e.f February 2019 and onwards till the replacement of the defective meter on DEF-EST code, according to Clause 4.4(e) of the CSM. The billing account of the Respondent may be revised by LESCO after adjusting payments made against the above bills.

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

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Abid Hussain
Member/Advisor (CAD)

A handwritten signature in black ink, appearing to read "Nadir Ali Khoso", is positioned above a horizontal line.

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 07.02.2022