



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

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No. NEPRA/AB/Appeal/036/POI/2020/ 2/3


March 02, 2022

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| 1. Qazi Muhammad Arif,
R/o. 96-Surrya Jabeen Park,
Baghbanpura, Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Assistant Manager (Operation),
LESCO Ltd,
Baghbanpura Sub Division,
Lahore | 4. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: **Appeal Titled Qazi Muhammad Arif Vs. LESCO Against the Decision Dated 03.12.2019 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 14.02.2022. 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. 036/POI-2020

Qazi Muhammad Arif, R/o 96-Surrya Jabeen Park,
Baghbanpura, Lahore

.....Appellant

Versus

Lahore Electric Supply Company Limited

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 03.12.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the Appellant:

Hafiz Saifullah

For the Respondent:

Mr. Junaid Ali SDO LESCO

DECISION

1. As per fact of the case, the Appellant is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.06-11354-0491702 having sanctioned load of 2 kW and the applicable tariff category is A-1. The billing meter of the Appellant was found dead stop during the LESCO checking dated 18.08.2018 for which notice dated 18.08.2018 was issued to the Appellant and a detection bill of Rs.45,276/- for 1,238 units for the period February 2018 to July 2018 (six months) was debited by the LESCO to the Appellant on the basis of connected load and added in the bill for August 2018.
2. Being aggrieved, the Appellant challenged the above detection bill before the Provincial Office of Inspection Lahore Region, Lahore (the POI). According to the POI, the opportunity of hearing was provided to both parties but the Appellant failed



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to appear before the POI despite repeated notices. The POI vide decision dated 03.12.2019 dismissed the application of the Appellant due to non-prosecution.

3. The appeal in hand has been filed by the Appellant against the POI decision dated 03.12.2019 (hereinafter referred to as the impugned decision) before the NEPRA. In the appeal, the Appellant prayed for setting aside the impugned decision, inter alia, on the grounds that it suffers from serious misreading and non-reading of record; that the LESCO recorded the wrong statement before the POI for granting of relief to the Appellant; that the impugned decision is a result of the illegality of approach and perversity; and that the matter be remitted back to the POI to decide afresh in the best interest of justice.
4. Notice for filing reply/para-wise comments to the appeal was served to LESCO, which however were not filed.
5. After issuing notice, the appeal was fixed for hearing at the NEPRA Regional Office Lahore on 04.02.2022 in which both the parties were present. The representative for the Appellant repeated the same contentions as given in memo of the appeal and inter alia, contended that the detection bill of Rs.45,276/- for 1,238 units for the period February 2018 to July 2018 (six months) was challenged before the POI and 50% amount of the above detection bill was paid by the Appellant on 02.10.2018 on the direction of the POI. The representative for the Appellant further contended that the Appellant attended several hearings, hence the impugned decision could not be decided on an ex-parte basis. The representative for the Appellant prayed that the impugned decision is liable to be set aside and the matter be remanded back to POI for decision afresh after hearing the parties as full opportunity of hearing was not provided by the said forum. On the contrary, SDO LESCO submitted that the detection



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bill of Rs.45,276/- for 1,238 units for the period February 2018 to July 2018 was debited to the Appellant due to a defective meter as observed on 18.08.2018. SDO LESCO further submitted that the dispute of billing was mutually settled with the Appellant in March 2019 and he paid Rs.10,000/- against the above detection bill and the matter was finalized accordingly. SDO LESCO defended the impugned decision and prayed for setting aside the same.

6. Arguments were heard and the perusal of record revealed that the Appellant and his representatives attended nineteen hearings conducted by the POI i.e. 02.10.2018, 23.10.2018, 13.11.2018, 04.12.2018, 18.12.2018, 08.01.2019, 22.01.2019, 22.01.2019, 29.0.2019, 19.02.2019, 05.03.2019, 19.03.2019, 09.04.2019, 30.04.2019, 18.06.2019, 09.07.2019, 30.07.2019, 20.08.2019 and 17.09.2019. Hence the impugned decision for dismissal of the petition of the Appellant is not based on facts and merits. We are inclined to accept the plea of the Appellant for remanding back the matter to the POI.
7. In view of the above, the impugned decision is set aside and the matter is remanded back to the POI for deciding afresh after providing the opportunity of hearing to both the parties in accordance with the law.
8. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 14.02.2022