



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

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No. NEPRA/AB/Appeal/040/POI/2020/ **362**

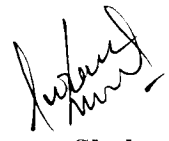
April 07, 2022

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| 1. Waheed Ul Hassan,
Manager Admin,
Unique High School, 230-A,
Mehran Block, Allama Iqbal Town,
Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Muhammad Nadeem Kazim,
Advocate High Court,
Al-Wakeel Building, 9-Fane Road,
Lahore | 4. A. D. Bhatti,
Advocate High Court,
Rehmat Tower, 13-Fane Road,
Lahore |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Canal Road Sub Division,
Lahore | 6. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: **Appeal Titled LESCO Vs. Waheed Ul Hassan 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 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. 040/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Waheed ul Hassan Manager Admin, Unique High School,
230-A, Mehran Block, Allama Iqbal Town, 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. Majid Basheer SDO

For the Respondent:

Mr. A.D. Bhatti Advocate

DECISION

1. Brief facts leading to the filing of instant appeal are that the Respondent is a commercial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the LESCO) bearing Ref No.11-11233-1054100-U with a sanctioned load of 5 kW under the A-2(a) tariff category. Reportedly, the billing meter of the Respondent became defective with upset date and time, hence it was replaced with a new meter by the LESCO in May 2017 and sent to the Metering and Testing (M&T) LESCO laboratory for checking. As per the data retrieval report of the LESCO, 9,378 units were found uncharged being the difference between the final reading of the old meter and the units charged by LESCO as per last reading. Therefore a detection bill of Rs.287,476/- for 11,278 units for the period May 2016 to May 2017



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(13 months) was debited to the Respondent by the LESCO and added in the bill for June 2019.

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.287,476/- for 11,278 units for the period May 2016 to May 2017 (13 months) as null and void.
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 old meter of the Respondent with disturbed date and time was replaced with a new meter in May 2017 and sent to M&T laboratory for checking, wherein 11,278 units were found uncharged on the basis of the difference in readings between the last reading already charged and the retrieved data. LESCO further contended that the detection bill of Rs.287,476/- for 11,278 units for the period May 2016 to May 2017 was charged to the Respondent in June 2019. As per LESCO, the impugned decision is against the facts and law as it was passed by the POI without considering the documents and the previous history of the Respondent. LESCO prayed that the impugned decision be set aside.
4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which were submitted on 15.07.2020. In his reply, the respondent stated that the POI had carefully adjudged the question of law and facts involved in the case, therefore the grounds to agitate the matter through the instant appeal deserves rejection. The Respondent contended that the LESCO miserably failed to pin-point any illegality or



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or jurisdictional defect in the appeal. As per Respondent, neither prior notice was served nor he was associated during the LESCO checking and the impugned detection bill was debited in violation of provisions of the Consumer Service Manual (CSM). According to the Respondent, the version of LESCO with regard to the alleged consumed units up to the reading of 113074.95 is false, fabricated, and baseless. The Respondent pleaded that the appeal be dismissed.

5. Hearing of the appeal was held at the NEPRA Regional Office Lahore on 10.03.2022 wherein SDO LESCO appeared for the Appellant and a counsel represented the Respondent. SDO LESCO reiterated the same arguments as given in memo of the appeal and defended the charging of detection bill of Rs.287,476/- for 11,278 units for the period May 2016 to May 2017 (13 months) 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. SDO LESCO averred that disciplinary action was taken against the delinquent LESCO official for negligence in observing discrepancy in the old meter. SDO LESCO prayed to allow the above-said detection bill being justified. On the contrary, the learned counsel for the Respondent repudiated the version of LESCO and argued that the removed old meter was neither checked in presence of the Respondent nor it was produced before the POI for verification of alleged pending units, hence the entire proceedings carried out by the LESCO are suspicious. As per learned counsel for the Respondent, the above detection bill was charged for thirteen months but no discrepancy was pointed out by the LESCO staff during the monthly readings. Learned counsel for the Respondent defended the impugned decision and



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prayed for its maintainability and dismissal of the appeal.

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

- i. The Respondent disputed before the POI the detection bill of Rs.287,476/- for 11,278 units for the period May 2016 to May 2017 (13 months) charged by LESCO on the plea of 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 billing meter before the POI for verification. LESCO could not substantiate its claim that 11,278 units are found uncharged. Moreover, such high consumption charged by the LESCO is not compatible with the sanctioned load i.e. 5 kW of the Respondent. It is further observed that the M&T LESCO recommended to charge 9,378 units being the difference of final reading of the old meter and the units already charged till May 2017, whereas LESCO debited 11,278 units to the Respondent without any valid reasoning. In consideration of the above discussion, we are inclined to agree with the determination of POI that the detection bill of Rs.287,476/- for 11,278 units for the period May 2016 to May 2017 (13 months) debited to the Respondent by the LESCO and added in the bill for June 2019 is unjustified and the same is cancelled.
- ii. If presumed that the meter was found defective in May 2017, the Respondent is liable to be charged the detection bill for two months i.e. April 2017 and May 2017



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as per Clause 4.4 of the CSM. However, billing history indicates that 2,686 units charged in the bill of April 2017 are higher than 2,425 units charged in April 2016. Similarly, 3,757 units charged in May 2017 are the same as the 3,757 units charged in May 2016. Hence the Respondent is not responsible for payment of any detection bill. LESCO is directed to overhaul the billing account of the Respondent, accordingly.

7. Foregoing in view, the appeal is dismissed and the impugned decision is maintained.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 28.03.2022