



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

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No. NEPRA/AB/Appeal/090/POI/2021/ 364


April 07, 2022

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| 1. Syed Abdul Rehman Hashmi,
Advocate High Court,
Aalay-Mohammad Law Associates,
Office No. 02, Basement Margalla Plaza,
Opposite Fountain House, 42-Lower Mall,
Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Assistant Manager (Operation),
LESCO Ltd,
Sitara Sub Division,
Defence Garden, Ashiana Road,
Al-Fajar School, Lahore | 4. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: **Appeal Titled Syed Abdul Rehman Hashmi Vs. LESCO Against the Decision Dated 07.04.2021 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 01.04.2022, 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 The Appellate Board

In the matter of

Appeal No. 090/POI-2021

Syed Abdul Rehman Hashmi Advocate High Court,
Aalay Muhammad Associates, Office No.7-B, 13/39,
Lower Mall, 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 07.04.2021 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the Appellant:

Syed Abdul Rehman Hashmi Advocate

For the Respondent:

Nemo

DECISION

1. Brief facts leading to the filing of instant appeal are that the Appellant is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the 'LESCO') bearing Ref No.02-11527-0165400 with a sanctioned load of 1 k W under the A-1(a) tariff category. Reportedly, the billing meter of the Appellant became defective in September 2020, hence LESCO charged the bill of Rs.20,314/- for 842 units to the Appellant in September 2020 on the basis of consumption of September 2019, which was not paid by the Appellant. The disputed billing meter of the Appellant was replaced with



National Electric Power Regulatory Authority

a new meter by the LESCO in October 2020. Thereafter, the Appellant received a bill total amounting to Rs.36,603/- in October 2020, which contained the arrears of Rs.22,023/- and the current bill of Rs.14,580/- for 696 units charged by LESCO on the basis of consumption of October 2019.

2. Being aggrieved, the Appellant challenged the arrears of Rs.36,603/- pertaining to the bills for September 2020 and October 2020 before the Provincial Office of Inspection, Lahore Region, and Lahore (hereinafter referred to 'the POI') on 28.10.2020. According to the direction of the POI, the Appellant made a payment of Rs.18,300/- being the 50% amount of the disputed arrears on 20.11.2020. The POI vide the decision dated 07.04.2021 cancelled the bills for September 2020 and October 2020 and directed LESCO to charge the revised bills for September 2020 and October 2020 on the basis of consumption of September 2019 and October 2019.
3. The Appellant has filed the instant appeal before the NEPRA against the POI decision dated 07.04.2021 (hereinafter referred to as the 'impugned decision'), wherein it is contended that the bills of September 2020 and October 2020 were charged by LESCO in excess instead of actual reading of the disputed meter as mentioned on the bills. The Appellant further contended that the actual present readings of the meter were printed as 72257 and 72753 in September 2020 and October 2020 respectively, hence the excessive bills for the disputed months are not payable. As per Appellant, the bill of October 2020 shows that the old meter was replaced with meter No.S-293055 but to date, neither the





National Electric Power Regulatory Authority

said meter was replaced nor LESCO officials visited the premises for this purpose. The Appellant submitted that the POI ignored the fact that the old billing meter is still present at site along with the check meter and both the meters are in working position and no evidence is destroyed. The Appellant further submitted that the impugned decision is based on surmises and conjectures and the POI had arbitrarily disposed of his application. The Appellant prayed for setting aside the impugned decision and for revision of the bills for September 2020 and October 2020 as per meter reading.

4. Notice of the appeal was sent to LESCO for filing reply/para-wise comments, which however were not submitted.
5. Hearing of the appeal was held at the NEPRA Regional Office Lahore on 10.03.2022 wherein the Appellant appeared in person and no one appeared for the Respondent LESCO. The Appellant argued that LESCO charged the bills of September 2020 and October 2020 on defective code despite the fact meter under dispute is present at site and functioning accurately as per the LESCO report dated 03.03.2021. The Appellant opposed the impugned decision for revision of the above bills on the basis of corresponding consumption of the year 2019 and prayed for setting aside the same. The Appellant further pleaded that the bills of September 2020 and October 2020 be revised as per the meter reading printed on the said bills.
6. Arguments heard and the record examined. It is observed as under:
 - i. The Appellant disputed before the POI the arrears total amounting to Rs.36,603/- till



National Electric Power Regulatory Authority

October 2020, which included the bills of September 2020 and October 2020.

- ii. LESCO charged the bills for September 2020 and October 2020 on the basis of corresponding consumption of the year 2019 on the plea that the old billing meter became defective. However, neither the meter under dispute was produced before the POI for checking nor the procedure as laid down in Chapter 4 of the Consumer Service Manual (CSM) was adhered to. It is further observed that the reading of the disputed meter advanced from 71798 to 72756 during the period August 2020 to October 2020 whereas the LESCO based its billing for the disputed months i.e. September 2020 and October 2020 on an estimated basis, which is incorrect being contrary to the provisions of the CSM. Similarly, the determination of POI for revision of the bills for September 2020 and October 2020 based on consumption of September 2019 and October 2019 is neither rational nor supportive of the provisions of the CSM. It is noted that LESCO neither submitted its reply nor appeared before this forum to rebut the version of the Appellant. Under these circumstances, charging of the bills for September 2020 and October 2020 along with late payment surcharges (LPS) by the LESCO and the determination of POI for revision of the same on the corresponding month's consumption of the year 2019 are unjustified and the same are liable to be withdrawn.
- iii. The Respondent is liable to be charged the revised bills for September 2020 and October 2020 as per the readings printed on the said bills. Calculation in this regard



National Electric Power Regulatory Authority

is done below:

Month	Reading		Units to be charged
	(A) Present	(B) Final	(C)= (B)-(A) Difference
Sep-20	71798	72256	458
Oct-20	72256	72756	500

7. Summing up the aforesaid discussion, we hold that the bills of 842 units and 696 units charged by the LESCO to the Appellant for September 2020 and October 2020 along with LPS are unjustified and the same are cancelled. The LESCO may issue the revised bills for 458 units and 500 units to the Appellant for September 2020 and October 2020 respectively as per calculation in para 6(iii) above. The billing account of the Appellant be revised after adjustment of payments made against the bills of above months.
8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 01.04.2022