



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

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No. NEPRA/Appeal/065/2021//*oo*

February 09, 2023

- |   |  |
|---|--|
| 1. Muhammad Bashir,<br>S/o. Muhammad Munir,<br>R/o. House No. 190, Street No. 06,<br>Askari-10, Lahore Cantt, Lahore                                      | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore                |
| 3. Saeed Ahmed Bhatti,<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore   | 4. Sub Divisional Officer (Operation),<br>LESCO Ltd,<br>Bata Pur 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. Muhammad Bashir Against the Decision Dated 10.09.2020 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 06.02.2023, 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. 065/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Bashir, S/o Muhammad Munir,  
R/o House No.190, Street No.06, Askari-10,  
Lahore Cantt, Lahore

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997**

For the Appellant:

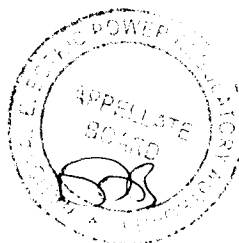
Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

### **DECISION**

1. Briefly speaking, Mr. Muhammad Bashir (hereinafter referred to as the “Respondent”) is a commercial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.46-11312-2057502 with sanctioned load of 13kW under the A-2(C) tariff category. It is an admitted fact that the new connection was installed on the premises of the Respondent in July 2018 and the first bill of Rs.127,525/- against 6,000 units was debited to the Respondent in November 2018, against which the Respondent paid an amount of Rs.80,000/- under protest. The Appellant charged the bill of December 2018 for the cost of 6,000 units to the Respondent. In January 2019, the billing meter of the Respondent became defective and nil consumption was debited by





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the Appellant in the said month. Thereafter, the impugned meter of the Respondent was replaced with a new meter by the Appellant in February 2019 and it was sent to the Metering and Testing (M&T) laboratory for checking. As per the M&T checking report dated 11.02.2019, the impugned meter was found defective with vanished display and one dead phase. In order to recover the revenue loss, the Appellant issued a detection bill against 6,000 units to the Respondent for January 2019 as per the average consumption of November 2018 and December 2018.

2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 03.07.2019 and assailed the arrears of Rs.273,882/- accumulated till June 2019, which included the bills for the period from November 2018 to February 2019. The POI vide the decision dated 10.09.2020 cancelled the bills for the period October 2018 to February 2019 and directed the Appellant to issue revised bills @ 632 units+7 kW MDI per month for the above-said period.
3. Being dissatisfied, the Appellant has filed the instant appeal before the NEPRA against the POI decision dated 10.09.2020 (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the impugned decision *inter alia*, on the following main grounds that the impugned decision is against the facts of the case; that the POI misconceived and misconstrued the real facts of the case and erred in declaring the bills for the period from October 2018 to February 2019 as null and void and for revision of





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the same @ 632 units+7 kW MDI per month; that the POI has afforded relief beyond the prayer of the Respondent; that the POI neither recorded the evidence nor perused the relevant billing data in true perspective and decided the application of the Respondent on surmises and conjectures; that the POI failed to decide the matter within ninety (90) days from the date of receipt of the complaint; that the POI failed to appreciate that the complaint could not be entertained as no notice as required under Section 26(6) of Electricity Act, 1910 was ever served upon the Appellants before filing the same; and that the impugned decision be set aside.

#### **4. Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 03.06.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, no reply/para-wise comments were received from the Respondent.

#### **5. Hearing**

5.1 Hearing in the matter of the subject Appeal was conducted at the NEPRA Regional Office Lahore on 13.10.2022, which however was adjourned for 24.11.2022 in order to provide an opportunity for hearing to the Respondent. On the given date, again no one could appear on behalf of the Respondent, whereas a counsel represented the Appellant. During the hearing, learned counsel for the Appellant reiterated the same arguments as given in memo of the appeal and argued that the bills for November 2018 and December 2018 charged as per recorded consumption are justified and payable by the Respondent.





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Learned counsel for the Appellant stated that the impugned meter of the Respondent became defective in January 2019 due to which nil consumption was charged in the said month, therefore, a detection bill of 6,000 units for January 2019 was debited to the Respondent on the basis of the average consumption of November 2018 and December 2018. As per learned counsel for the Appellant, the impugned meter was replaced with a new meter in February 2019. He defended the charging of the bills for the period from November 2018 to February 2019 and prayed to set aside the impugned decision.

6. Arguments were heard and the record was examined. Following are our observations:

6.1 **Objection regarding the time limit for POI:**

As per the record, the Respondent filed his complaint before the POI on 03.07.2019 under Section 38 of the NEPRA Act. POI pronounced its decision on 10.09.2020 i.e. after 436 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the Electricity Act, 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act, 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court Lahore reported in *PLJ 2017 Lahore 627* and *PLJ 2017 Lahore 309*. Keeping in view the overriding effect of the NEPRA Act being later in time, and the above-referred decisions of the honorable High Court, hence the objection of the Respondent is rejected.





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### **6.2 Objection regarding prior notice before approaching the POI:**

As regards another objection of the Appellant for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under Section 38 of the NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before approaching the POI. The above objection of the Appellant is not valid, therefore overruled.

### **6.3 Bills for the period from November 2018 to February 2019:**

The record presented before us shows that a new connection was installed by the Appellant on the premises of the Respondent in July 2018 and the first bill was raised for the cost of 6,000 units in November 2018. The bill of December 2018 was also debited for 6,000 units to the Respondent. Subsequently, the impugned meter of the Respondent became defective in January 2019 and it was replaced with a new meter by the Appellant on 11.02.2019. Subsequently, the Appellant agitated the arrears of Rs.273,882/- accumulated till June 2019 before the POI, which included the bills debited for the period November 2018 to February 2019. The POI vide impugned decision revised the bills from October 2018 and onwards till MCO dated 11.02.2019 @ 632 units+7 kW MDI against which the Appellant filed the instant appeal before the NEPRA.

6.4 As regards the bills of November 2018 charged by the Appellant, it is observed that the said bill was issued by the Appellant against 6,000 units for the period July 2018 to





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November 2018 (5 months). Thus the consumption of the Respondent was debited by the Appellant @ 1200 units/month, which is not compatible with the average consumption recorded @ 398 units/month during the period March 2019 to December 2019 by the new meter as given below:

Month	Units	MDI
Mar-19	547	4
Apr-19	463	3
May-19	632	4
Jun-19	441	5
Jul-19	408	2
Aug-19	388	3
Sep-19	403	4
Oct-19	298	3
Nov-19	195	3
Dec-19	203	2
<b>Average</b>	<b>398</b>	<b>4</b>

6.5 The above comparison transpires that the Respondent was billed on much higher side by the Appellant in November 2018. Similar is the case with the bills charged @ 6,000 units per month in December 2018 and January 2019. The Appellant though confirmed the defectiveness of the impugned meter with washed display and one defective phase but they failed to retrieve the data of the impugned meter to justify their claim. Thus, under these circumstances, we are of the considered view that the bills for the period from November 2018 to January 2019 charged @ 6,000 units per month are excessive and unjustified and the same are cancelled as already determined by the POI.

6.6 Admittedly, the impugned meter was installed on the premises of the Respondent in July 2018, hence the bills for the period July 2018 to January 2019 may be revised @ 398





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units+4 kW MDI per month to the Respondent as per average consumption recorded by the new meter for the period March 2019 to December 2019.

6.7 However, the bill for February 2019 was charged to the Respondent as per the reading of the new meter, which is justified and payable by the Respondent.

7. In view of what has been stated above, it is concluded that:

7.1 The bills for the period November 2018 to January 2019 charged @ 6,000 units per month by the Appellant to the Respondent are unjustified and the same are cancelled.

7.2 The Appellant may charge the revised bills @ 398 unit+4 kW MDI for the period from July 2018 to January 2019 to the Respondent.

7.3 The bill charged against the cost of 604 units+7 kW MDI in February 2019 is justified and payable by the Respondent.

7.4 The billing account of the Respondent may be overhauled after the adjustment of payments made against the above bills.

8. The appeal is disposed of in the above terms.

Muhammad Irfan-ul-Haq  
Member

Abid Hussain  
Convener

Dated: 06/02/2023.

