



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

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No. NEPRA/Appeal/101/2021/ 665

November 20, 2023

- |   |  |
|---|--|
| 1. Muhammad Ashraf Khan,<br>S/o. Jan Muhammad,<br>R/o. Abu Bakar Siddique Colony,<br>Shera Kot, Bund Road, Lahore   | 2. Chief Executive Officer<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore             |
| 3. Rai Abid Ali Kharal,<br>Advocate High Court,<br>Elahi Law Associates, Office No. 25,<br>3 <sup>rd</sup> Floor, Ali Plaza, 3-Mozang Road,<br>Lahore     | 4. Assistant Manager (Operation),<br>LESCO Ltd,<br>Bund Road 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 Ashraf Khan Against the Decision Dated 09.07.2019 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 20.11.2023 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

**(Ikram Shakeel)**  
**Deputy Director (AB)**

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website

# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

### Appeal No.101/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Ashraf Khan S/o. Jan Muhammad Resident of  
Abu Bakar Siddiqui Colony, Shera Kot, Bund Road, Lahore

.....Respondent

## APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Rai Abid Ali Kharal Advocate

For the Respondent:

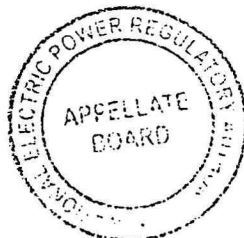
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## DECISION

1. Through this decision, the appeal filed by the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 09.07.2019 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Ashraf Khan (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.46-11114-1360100-U with sanctioned load of 30 kW and the applicable Tariff category is B-2(b). Reportedly, the billing meter of the Respondent was found burnt out due to heavy rain, therefore a detection bill of Rs.1,038,078/- for twelve months for the period from August 2012 to July 2013 was charged by the Appellant to the Respondent.

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3. Being aggrieved, the Respondent initially challenged the above detection bill before the Wafaqi Mohtasib on 13.09.2013. The honorable Wafaqi Mohtasib vide order dated 29.05.2014 cancelled the detection bill of Rs.1,038,078/- for twelve months for the period from August 2012 to July 2013 and allowed the Appellant to charge the revised detection bill for February 2013 to July 2013 to the Respondent on the basis of 30% load factor of the connected load i.e. 30 kW.
4. Subsequently, the Respondent approached the Lahore High Court Lahore vide Writ Petition No.12557-2015 against the impugned detection bill, from where the case was referred to the POI for adjudication. Accordingly, the Respondent filed a complaint before the POI and assailed the above detection bill, which was disposed of by the POI vide the decision dated 09.07.2019, wherein the detection bill of Rs.1,038,078/- for twelve months for the period from August 2012 to July 2013 was cancelled and the Appellant was allowed to charge the revise detection bill for six months on the basis of 30% load factor of the connected load i.e. 30 kW.
5. Through the instant appeal, the afore-referred decision dated 09.07.2019 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the impugned decision is against the law and facts; that the POI did not apply his independent and judicious mind; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of Electricity Act, 1910; that the POI has not thrashed out the consisting reasons of the Appellant in the matter and passed the illegal order and that the impugned decision be set aside.

6. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 22.10.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however not filed.

7. **Hearing**

Hearings were initially conducted at NEPRA Regional Office Lahore on 13.10.2022 and 02.06.2023, which however were adjourned till the next date due to non-appearance of the Respondent. Finally, hearing of the appeal was again conducted at NEPRA Regional Office

Lahore on 08.09.2023, which was attended by the counsel for the Appellant and the Respondent again failed to appear. Learned counsel for the Appellant contended that the billing meter of the Respondent was burnt out in the year 2013, therefore a detection bill of Rs.1,038,078/- for the period from August 2012 to July 2013 was charged to the Respondent to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the POI neither recorded the material evidence nor perused the consumption data and reduced the period of detection bill to six months only. Learned counsel for the Appellant prayed for setting aside the impugned decision.

8. Arguments heard and the record perused. Following are our observations:

8.1 Objection regarding the time limit for POI to decide the complaint:

As per the record, the Respondent filed a complaint before the POI under Section 38 of the NEPRA Act. POI pronounced its decision on 09.07.2019 after 90 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, the objection of the Respondent is rejected.

8.2 Detection bill of Rs.1,038,078/- for twelve months for the period from August 2012 to July 2013

The Respondent challenged the detection bill of Rs.1,038,078/- for twelve months for the period from August 2012 to July 2013 before the POI, who vide impugned decision reduced the period of detection bill for six months against which the Appellant filed the instant appeal before the NEPRA. It is observed that the impugned decision was announced by the POI on 09.07.2019, whereas the Appellant obtained a copy of the impugned decision on 03.08.2021 after a lapse of two years, which shows their lack of interest in defending the case. The Appellant did not provide any document i.e. checking report, meter change order, notice, detection proforma and consumption data, etc. before the POI as well as NEPRA to substantiate their version regarding charging of the impugned detection bill, which tantamount to their disinterest in pursuing the



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case. Under these circumstances, we do not find any reason to interfere with the impugned decision and the same is liable to be upheld.

9. Foregoing in view, this appeal is dismissed.

Abid Hussain  
Member

Muhammad Irfan-ul-Haq  
Member

Naweed Illahi Sheikh  
Convener

Dated: 20-11-2023

