



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

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No. NEPRA/Appeal/020/2022/ 334


March 15, 2024

- |  |  |
|--|--|
| 1. Shahzad Masud,<br>S/o. Muhammad Masud,<br>R/o. 404 Shadman Colony,<br>Jail Road, 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<br>Cell No. 0300-4350899 | 4. Shazib Masud,<br>Advocate High Court,<br>S. M. Masud & Associates Advocates & Legal Consultants,<br>21-D, Q-Block, Gulberg-2,<br>Lahore<br>Phone No. 042-37324624 |
| 5. Assistant Manager (Operation),<br>LESCO Ltd,<br>Islamia Park Sub Division,<br>Lahore                                  | 6. 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 No.020/2022 (LESCO Vs. Shahzad Masud) Against the Decision Dated 21.12.2021 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 15.03.2024 (04 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

  
(Ikram Shakeel)  
Deputy Director  
Appellate Board

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. 020/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Shahzad Masud S/o. Muhammad Masud,  
R/o. 404, Shadman Colony, Jail Road, Lahore

.....Respondent

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

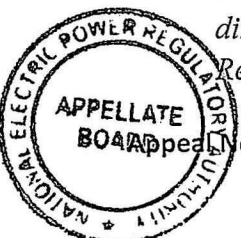
Nemo

## DECISION

1. Briefly speaking, Mr. Shahzad Masud (hereinafter referred to as the "Respondent") is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.12-11254-1118303 U with sanctioned load of 02 kW and the applicable tariff category is A-1(a). The Respondent filed three complaints before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 21.09.2021, 17.11.2021 and 08.12.2021 and challenged the bills of Rs.146,322/-, Rs.43,526/- and Rs.43,475/- debited by the Appellant in August 2021, October 2021 and November 2021 respectively. All complaints were clubbed and disposed of by the POI vide single consolidated decision on 21.12.2021, the operative part of which is reproduced below:

*"Due to the continuous absence of respondents before this forum, the ex-parte proceedings were initiated against the respondents and Rs.144,322/-, Rs.43,526/- and Rs.43,475/- charged during 08/2021 to 11/2021 respectively on account of overbilling are declared as null, void and illegal and not payable by the petitioner. However, the respondents are allowed to charge revised monthly bills for the months of 08/2021 to 11/2021 and onward on the basis of the consumption recorded during the corresponding months of the previous year i.e. 08/2020 to 11/2020 and onward, till the replacement of the impugned billing meter/ shifting of billing to an accurate meter, being undisputed between the parties after excluding the already charged units during the said period. Respondents are directed to install an accurate meter at the petitioner's premises for future billing.*

*Respondents are further directed to overhaul the account of the petitioner and any*



Appeal No.020/POI-2022

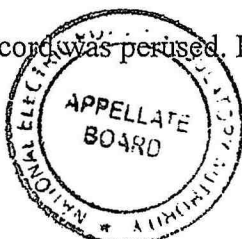
*M.*



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*excess recovered amount be adjusted in future bills accordingly.”*

2. Being dissatisfied, the Appellant filed the instant appeal before the NEPRA against the afore-referred decision of the POI (hereinafter referred to as the “impugned decision”). In its appeal, the Appellant opposed the impugned decision, *inter-alia*, on the grounds that neither any notice was served upon the Appellant nor any notice was received regarding the pendency of complaint before the POI, as such the ex-parte decision given behind the back of the Appellant carries no sanctity in the eyes of law; that the POI failed to give the reasons for passing the impugned ex-parte decision and same was rendered on technical ground qua non-appearance of the Appellant before POI; that it is a settled principle of law that no one should be condemned unheard and causes are to be resolved on the basis of cogent reasons after giving an opportunity of equal hearing to both parties; that no notice was served by the Respondent before filing the complaint to POI; and that the impugned decision be set aside and case be remanded back to POI for adjudication on merits after opportunity of hearing to both parties.
3. Notice dated 09.02.2022 was sent to the Respondent for reply/para-wise comments to the appeal, which were filed on 01.04.2022. In the reply, the Respondent rebutted the version of the Appellant and submitted that the Appellants have kept themselves away from legal proceedings against them with their malicious goals despite they were well aware of the proceedings before the POI as interim orders were entertained by the Appellants. The Respondent further submitted that the Appellants are not entitled to any kind of discretionary relief since the Appellants deliberately did not partake in the proceedings before the POI. The Respondent finally prayed for the dismissal of the appeal with cost.
4. **Hearing:**
  - 4.1 After issuing notices to both parties, the hearing was conducted at the NEPRA Regional Office Lahore on 15.12.2023 wherein, learned counsel for the Appellant tendered appearance, whereas no one represented the Respondent. Learned counsel for the Appellant repeated the same contentions as given in memo of the appeal and, *inter-alia*, contended that neither any notice was served by the POI nor any intimation was given by the Respondent regarding the proceedings before the POI, hence the impugned decision could not be decided on ex-parte basis. Learned counsel for the Appellant prayed for setting aside the impugned decision and for remanding back the matter to POI for decision afresh after hearing both parties.
5. Arguments were heard and the record was perused. Following are our observations:





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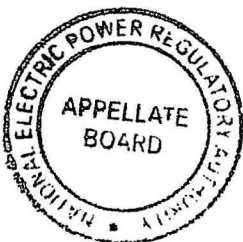
5.1 While addressing the preliminary objection of the Appellant for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under Section 38 of the NEPRA Act, 1997 and as per procedure laid 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 and, therefore overruled.

5.2 During the hearing, the Appellant informed that no notices were served by the POI regarding the proceedings of the Respondent's complaint, and the impugned decision was rendered on the ex-parte. The Appellant prayed for setting aside the impugned decision and for the matter to be remanded back to the POI for the decision on merits. To ascertain the version of the Appellant, the record was perused, which revealed that several letters i.e. 08.10.2021, 26.10.2021 23.11.2021, 07.12.2021 and 21.12.2021 were sent by the POI to the Appellants to attend the hearing and to submit the reply against the complaint of the Respondent but neither authorized representative for the Appellant appeared nor the reply was filed by the Appellant. As per para 2 of the impugned decision, the interim orders issued vide No. EIL/ARB/8067-71 dated 20.09.2021, No. EIL/ARB/9865-69 dated 12.11.2021 and No. EIL/ARB/10528-32 dated 08.12.2021 of the POI were entertained by the Appellant. This indicates that the Appellants were well aware of the proceedings before the POI since the date of complaint i.e. 21.09.2021. This is gross negligence on the part of the Appellant, which led to the ex-parte decision of the POI. Hence the contention of the Appellant concerning the ex-parte decision is not valid after their admission with regard to the information of the proceedings before the POI and the same is overruled being devoid of merits.

5.3 The Respondent filed three complaints before the POI on 21.09.2021, 17.11.2021 and 08.12.2021 and challenged the bills of Rs.146,322/-, Rs.43,526/- and Rs.43,475/- debited by the Appellant in August 2021, October 2021 and November 2021 respectively.

5.4 To verify the contention of the Respondent regarding excessive billing, the consumption data as provided by the Appellant was examined in the below table:

Undisputed		Disputed	
Month	Units	Month	Units
Aug-20	220	Aug-21	4669
Oct-20	53	Oct-21	678
Nov-20	26	Nov-21	737
<b>Average</b>	<b>100</b>	<b>Average</b>	<b>2028</b>





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$$\begin{aligned}\text{Units assessed} &= \text{S/L (kW)} \times \text{LF} \times \text{No. of Hrs.} \\ &= 2 \times 0.2 \times 730 = 292 \text{ units}\end{aligned}$$

Examination of the above table shows that the Appellant charged the bills @ 2,028 units per month for the disputed months i.e. August 2021, October 2021 and November 2021 to the Respondent, which are much higher than the average consumption of corresponding months of the previous year as well as the units assessed on the basis of sanctioned load. Under these circumstances, we are of the considered view that the bills for August 2021, October 2021, and November 2021 debited to the Respondent by the Appellant are unjustified and the same were rightly cancelled by the POI.

- 5.5 The impugned meter of the Respondent became defective in August 2021, hence the bills for the disputed months i.e. August 2021, October 2021 and November 2021 be revised as per consumption of corresponding months of the previous year or average consumption of last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021. The impugned decision is liable to be modified to this extent.
6. In view of what has been stated above, we reached the conclusion that the bills of August 2021, October 2021 and November 2021 are excessive, unjustified and the same are cancelled. The Respondent may be charged the revised bills for August 2021, October 2021 and November 2021 be revised as per consumption of corresponding months of the previous year or average consumption of last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021.
7. The impugned decision is modified in the above terms.

On leave

Abid Hussain  
Member

Naweed Illahi Sheikh  
Convener

Muhammad Irfan-ul-Haq  
Member

Dated: 15-03-2024

