



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

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No. NEPRA/Appeal/040/2022/325

March 12, 2024

1. Khalid Razzaq,
S/o. Muhammad Razzaq,
R/o. 48-G, P&T Colony,
Multan Road, Lahore

2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore

3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
Cell No. 0300-4350899

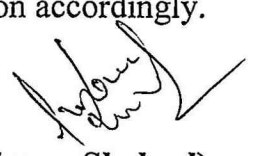
4. Assistant Manager (Operation),
LESCO Ltd,
Prem Nagar Sub Division,
Lahore
Cell No. 0320-0521241

5. ROI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal No.040/2022 (LESCO Vs. Khalid Razzaq) Against the Decision Dated 31.12.2021 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 12.03.2024 (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.046/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Khalid Razzaq S/o. Muhammad Razzaq,
R/o. 48-G, P&T Colony, Multan Road, 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
Mr. Muhammad Azeem Butt SDO

For the respondent:

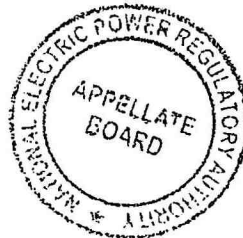
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DECISION

1. Briefly speaking, Mr. Khalid Razzaq (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.11-11241-0733100 having a sanctioned load of 02 kW and the applicable tariff category is A-1(a). The display of the billing meter of the Respondent became defective in July 2017, hence the Appellant charged a detection bill of Rs.21,341/- for 1,043 units to the Respondent for July 2017 based on connected load. However, the bills for August 2017 and September 2017 were charged with nil consumption by the Appellant. Later on, the impugned meter of the Respondent was replaced with a new meter by the Appellant in October 2017 and the billing w.e.f October 2017 was shifted to the new meter.
2. Being aggrieved, the Respondent filed an application before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the detection bill of Rs.21,341/- for 1,043 units for July 2017 debited by the Appellant on account of vanished display of the impugned meter. The complaint of the Respondent was disposed of by the POI vide decision dated 31.12.2021, wherein, the detection bill of Rs.21,341/- for 1,043 units debited for July 2017 is declared void, unjustified, and of no legal effect and the Appellant

Appeal No.046/POI-2022

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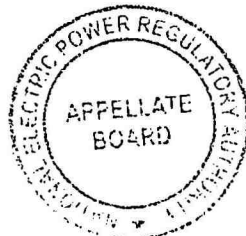
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is allowed to charge revised bill for July 2017 as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 31.12.2021 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the display of the billing meter was found vanished in July 2017; that the detection bill of Rs.21,341/- for 1,043 units was debited to the Respondent for July 2017 on the basis of the connected load; that the impugned decision is against the law and facts of the case; that the POI misconceived and misconstrued the real facts of the case and erred in declaring the detection bill of Rs.21,341/- for 1,043 units for July 2017 as null and void; that the POI failed to consider the consumption data in true perspective and revise the bills for July 2017 as per consumption of corresponding month of the previous year or average consumption of last eleven months, whichever is higher; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of the Electricity Act, 1910; that the Respondent failed to serve notice to the Appellant prior filing complaint before the POI as per Section 24 of the Electricity Act, 1910; and that the impugned decision is liable to be set aside.
4. Notice dated 11.04.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.
5. Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 15.12.2023, wherein learned counsel appeared for the Appellant, whereas the Respondent did not tender appearance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective with vanished display in July 2017, therefore a detection bill of Rs.21,341/- for 1,043 units for July 2017 was debited to the Respondent. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.
6. Having heard the arguments and record perused. Following are our observations:
 - 6.1 While addressing the objection of the Appellant regarding the jurisdiction of the POI, the Respondent filed his complaint before the POI on 05.03.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 31.12.2021 i.e. after ninety (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

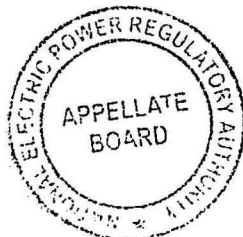




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forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act, 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court Lahore reported in *2017 PLJ 627 Lahore* and *2017 PLJ 309 Lahore*. Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

- 6.2 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 and, therefore overruled.
- 6.3 As per the available record, the display of the billing meter of the Respondent became defective in July 2017 and it was replaced with a new meter in October 2017. The Appellant charged a detection bill of Rs.21,341/- for 1,043 units to the Respondent for July 2017. Perusal of the detection proforma transpires that the Appellant debited the detection bill of 1,043 units on the basis of connected load, which is violation of Clause 4.4(e) of the CSM-2010. The Appellant even failed to adjust 892 units already debited in July 2017 from the detection bill. This shows malafide intention on their part while debiting the impugned detection bill. Hence, the POI after correct perusal of the record rightly cancelled the detection bill of Rs.21,341/- for 1,043 units debited to the Respondent for July 2017.
- 6.4 As per Clause 4.4(e) of the CSM-2010, the Respondent is liable to be charged the detection bill of July 2017 as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher due to defective meter.
- 6.5 It is further noticed that nil consumption was charged during the months i.e. August 2017 and September 2017 due to the defectiveness of the impugned meter, hence it would be fair and appropriate to charge the revised bills from August 2017 and onwards till the replacement of the impugned meter in October 2017 on DEF-EST code as per Clause 4.4(e) of the CSM-2010. The impugned decision is liable to be modified to this extent.
7. In view of what has been stated above, it is concluded that:
- 7.1 the detection bill of 1,043 units for July 2017 debited to the Respondent is unjustified and the same is cancelled.





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7.2 The Respondent may be charged the detection bill of July 2017 as per consumption of the corresponding month of the previous year or the average consumption of the last eleven months, whichever is higher, pursuant to Clause 4.4(e) of the CSM-2010.


7.3 Further bills from the August 2017 and onwards till the date of replacement of the impugned meter in October 2017 be revised on DEF-EST code as per Clause 4.4(e) of the CSM-2010.

The billing account of the Respondent may be overhauled after making the adjustment of payments made against the impugned detection bill.

8. The impugned decision is modified in the above terms.

On leave
Abid Hussain
Member/Advisor (CAD)


Naveed Illahi Sheikh
Convener/DG (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 12-03-2024

