



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

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No. NEPRA/Appeal/120/2021/323

March 08, 2024

1. Rana Muhammad Anwar,  
S/o. Rana Allah Banda,  
R/o. Nawab Park, Gulshan Riaz Colony,  
Lahore  
Cell No. 0322-4588187  
0302-4757978
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Syed Kashif Ali Bukhari,  
Advocate High Court,  
170-Ravi Park, Lahore  
Cell No. 0300-4450697
4. Assistant Manager (Operation),  
LESCO Ltd,  
Bilal Gunj Sub Division,  
Lahore
5. POI/Electric Inspector  
Lahore Region, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore

Subject: Appeal No.120/2021 (LESCO Vs. Rana Muhammad Anwar) Against the Decision Dated 24.03.2021 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 08.03.2024 (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.120/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Rana Muhammad Anwar S/o. Rana Allah Banda,  
R/o. Nawab Park, Gulshan Riaz, Colony Lahore

.....Respondent

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

For the Appellant:

Syed Kahif Ali Shah Bukhari Advocate

For the Respondent:

Mr. Sajjad Hussain

### **DECISION**

1. As per facts of the case, Rana Muhammad Anwar (hereinafter referred to as the "Respondent") is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-11142-9003402 having a sanctioned load of 89 kW and the applicable tariff category is B-2(b). Later on, the metering equipment of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 15.01.2020, and reportedly the billing meter was found 5.07% slow, the backup meter was found okay and the difference of 35,238 units was noticed between the billing and backup meters readings. The Appellant issued a detection bill of Rs. 682,690/- for 35,238 units based on the difference between the billing and backup meter readings.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the above detection bill. The disputed billing meter of the Respondent was checked by POI in the presence of both parties on 14.10.2020 and the billing meter was found 4.8% slow and the backup meter was found 10.1% slow. The complaint of the Respondent was disposed of by the POI vide decision dated 24.03.2021, wherein it was held that the detection bill of Rs.682,690/- for 35,238 units is void, unjustified and of no legal effect and the Appellant is





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allowed to charge revised bills w.e.f. November 2019 and onwards till the replacement of the impugned meter after adding 4.8% slow.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 24.03.2021 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 impugned decision is against the law and facts of the case; that the Appellant shall be bound to suffer irreparable loss and injury; that it is the duty of the Respondent to pay the outstanding due of electricity under Section 24 of the Electricity Act, 1910; that the POI ignored the documents annexed with the reply and passed the impugned order without examine the previous history and conduct of Respondent and; that the impugned decision is liable to be set aside in the best interest of justice.
4. Notice dated 11.11.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 03.01.21024. In the reply, the Respondent prayed for dismissal of the appeal on the following main grounds that the appeal is time-barred; that the POI after correct perusal of the record rendered the impugned decision and the same is liable to be upheld.

### 5. Hearing

- 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 08.09.2023, which however was adjourned due to the absence of the Respondent. Finally, the hearing was conducted at NEPRA Regional Office Lahore on 15.12.2023, wherein learned counsel appeared for the Appellant and the representative tendered appearance for the Respondent. Learned counsel for Appellant contended that the billing meter of the Respondent was found 5.07% slow during M&T checking dated 15.01.2020, therefore the detection bill of Rs.682,690/- for 35,238 units 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. This forum directed learned counsel for the Appellant to submit the detection proforma, MCO, and consumption data of the Respondent within 14 days.
- 5.2 Conversely, the representative for the Respondent repudiated the version of the Appellant and contended that the billing meter was found 4.8% slow, hence POI has rightly allowed the Appellant to recover the bills w.e.f. November 2019 and onwards after adding 4.8%





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slowness. The Respondent defended the impugned decision and prayed for upholding the same.

6. Having heard the arguments and record perused. Following are our observations:

6.1 While addressing the preliminary objection raised by the Respondent for limitation, it is observed that the copy of the impugned decision was obtained by the Appellant on 08.07.2021 and the appeal was filed before the NEPRA on 09.08.2021, which is within 30 days from the date of receipt of the impugned decision as per Section 38(3) of the NEPRA Act. Hence the objection of the Respondent has no force and the same is rejected.

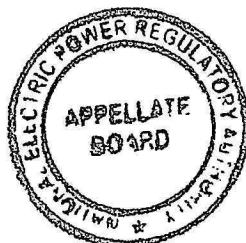
6.2 As per the available record, M&T checked the metering equipment on 15.01.2020 and noticed the billing meter working 5.07% slow, the backup meter was found within permissible limits, and the difference of 35,238 units between the billing and backup meters. Therefore, the Appellant charged a detection bill of Rs.682,690/- for 35,238 units to the Respondent on the basis of the difference in readings between the billing and backup meters. The Respondent challenged the above detection bill before the POI.

6.3 The billing and backup meters of the Respondent were found 4.8% and 10.1% slow respectively during the joint checking of POI dated 14.10.2020, said checking report was signed by both parties without raising any objection. Hence only the period of slowness needs to be determined in the instant case.

6.4 Clause 4.4(e) of the Consumer Service Manual 2010 empowers the Appellant to recover their revenue loss by debiting detection bill maximum for two months in case of slowness of the metering equipment. Whereas the Appellant debited the detection bill based on the difference of readings between the billing and backup meters. However, the backup meter was also found 10.1% slow during the joint checking of the POI on 14.10.2020, thus it cannot be made the basis for the determination of the fate of the detection bill.

6.5 In view of the foregoing discussion, it is concluded that the detection bill of Rs.682,690/- for 35,238 units debited to the Respondent on the basis of the difference of readings between the billing and backup meters is unjustified and the same is liable to be cancelled as already determined by the POI.

6.6 Since slowness in the impugned billing meter of the Respondent was observed on 15.01.2020, therefore, the Respondent is liable to be charged the revised detection bill for two billing cycles before checking dated 15.01.2020 after adding 4.8% slowness, according to Clause 4.4(e) of the CSM-2010.





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6.7 Moreover, the onward bills till the date of replacement of the impugned meter i.e. 04.06.2021 are liable to be revised with enhanced multiplication factor (the "MF") due to 4.8% slowness of the impugned billing meter as per Clause 4.4(c) 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 Rs.682,690/- for 35,238 units charged on account of the difference of readings between the billing and backup meters is unjustified and cancelled.

7.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 15.01.2020 @ 4.8% slowness of the meter as per Clause 4.4(e) of the CSM-2010.

7.3 The onward bills till the date of replacement of the impugned meter i.e. 04.06.2021 be revised with enhanced multiplication factor (the "MF") due to the 4.8% slowness of the impugned billing meter as per Clause 4.4(c) of the CSM-2010.

7.4 The billing account of the Respondent 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)

Dated: 08-03-2024

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

