



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/124/2021/ 324

March 12, 2024

1. Ijaz Hussain,
S/o. Feroze Din,
R/o. 7/9-A, Mouza Kharak,
Multan Road, Lahore
Cell No. 0305-4085303

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

3. Muhammad Nadeem Kazim,
Advocate High Court,
3/9, Al Wakil Plaza,
Fane Road, Lahore
Cell No. 0321-4364639

4. Malik Muhammad Afzal Jedhu,
Advocate High Court,
104-Atif Centre, 01-Turner Road,
Lahore
Cell No. 0333-4573816


5. Assistant Manager (Operation),
LESCO Ltd,
Awan Town Sub Division,
Lahore

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

Subject: Appeal No.124/2021 (LESCO Vs. Ijaz Hussain) Against the Decision Dated 28.05.2021 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

(04 pages)
Encl: As Above



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 124/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ijaz Hussain S/o. Feroze Din,
R/o. 7/9-A, Mouza Kharak, Multan Road, Lahore

.....Respondent

For the Appellant:

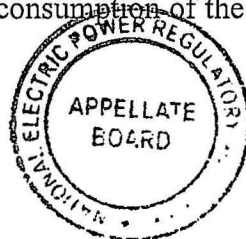
Mr. Waqas Akhtar Advocate

For the Respondent:

Mr. M. Afzal Advocate

DECISION

1. Briefly speaking, Mr. Ijaz Hussain (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.09-11236-0435601-U with sanctioned load of 1 kW and the applicable tariff category is A-1(a). During M&T checking of the Appellant dated 07.05.2020, the impugned meter of the Respondent was found tampered for stealing electricity, therefore FIR dated 07.05.2020 was lodged against him and the electricity of the premises was disconnected by the Appellant. The Respondent submitted an undertaking dated 09.05.2020, wherein he admitted theft of electricity and agreed to pay the above detection bill as per the connected load. Therefore, a detection bill amounting to Rs.368,398/- against 12,344 units was charged to the Respondent by the Appellant on the basis difference between the units already charged till April 2020 and the final reading of the impugned meter and added to the bill for May 2020.
2. Being aggrieved with the abovementioned actions of the Appellant, the Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the “POI”) and challenged the above detection bill. The matter was disposed of by the POI vide decision dated 28.05.2021, wherein the above detection bill Rs.368,398/- against 12,344 units was declared as null and void and the Appellant was directed to withdraw the same. The Appellant was further directed to revise the bills w.e.f May 2020 and onwards till the replacement of the meter as per consumption of the corresponding month of the previous year.





National Electric Power Regulatory Authority

3. 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 following grounds that the impugned decision is against the facts and law of the case; that if the appeal is not accepted, the Appellant shall be bound to suffer irreparable loss and injury; that it is duty of the Respondent to pay the outstanding dues of electricity; that the POI ignored the documents and passed the impugned decision without examining the previous history and conduct of the Respondent and that the impugned decision is liable to be set aside in the interest of justice, equity and fair play.

4. Notice dated 17.11.2021 was sent to the Respondent for reply/para-wise comments to the appeal, which however were not filed.

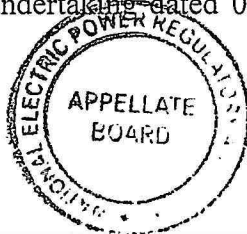
5. **Hearing:**

5.1 After issuing notices to both parties, the hearing was conducted at the NEPRA Regional Office Lahore on 16.12.2023 wherein, learned counsels for both the Appellant and the Respondent tendered appearance. The Appellant averred that the detection bill of Rs.368,398/- against 12,344 units was debited to the Respondent on account of theft of electricity committed through tampering with the meter as declared by the M&T vide report dated 07.05.2020. The Appellant stated that the above detection bill was cancelled by the POI vide the impugned decision without consideration of facts and perusal of the record. He prayed to allow the entire detection bill.

5.2 On the contrary, learned counsel for the Respondent denied the allegation of theft of electricity and argued that the entire actions including the charging of the above detection bill are illegal, unlawful, and not in line with provisions of CSM-2010. Learned counsel for the Respondent stated that the Appellant neither followed the procedure as laid down in Chapter 9 of the CSM-2010 nor could produce the impugned meter before the POI for verification of alleged tampering. He informed that the Appellant disconnected the electricity of the premises due to non-payment of the impugned detection bill He prayed that the impugned detection bill be set aside in the best interest of justice, which is also the determination of the POI.

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

6.1 During M&T checking of the Appellant dated 07.05.2020, the impugned meter of the Respondent was found tampered for stealing electricity, therefore FIR dated 07.05.2020 was lodged against him and the electricity of the premises was disconnected by the Appellant. The Respondent submitted an undertaking dated 09.05.2020, wherein he admitted theft of





National Electric Power Regulatory Authority

electricity and agreed to pay the above detection bill as per the connected load. Therefore, a detection bill of Rs.368,398/- against 12,344 units was charged to the Respondent on the basis difference of the readings already charged till April 2020 and the final reading of the impugned meter and added to the bill for May 2020, which was challenged before the POI.

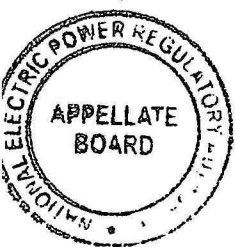
6.2 Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.1(c) of the CSM-2010 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2010. From the submissions of the Appellant, it appears that the billing meter of the Respondent was checked and removed by the Appellant in the absence of the Respondent.

6.3 As per the judgment of the Supreme Court of Pakistan reported in PLD 2012 SC 371, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant did not produce the impugned meter before the POI.

6.4 To verify the contention of the Appellant, the billing record of the Respondent as provided by the Appellant was perused, wherein it is observed that the impugned meter of the Respondent was installed by the Appellant in July 2019 and subsequently checked by the M&T of the Appellant in May 2020 during this span of one year, reportedly the reading index of the impugned meter advanced by 13,688. To check the authenticity of the impugned detection bill, consumption of the disputed period will be compared below with the consumption of the corresponding months of the previous year:

Undisputed		Disputed	
Month	Units	Month	Units
Jul-18	301	Jul-19	73
Aug-18	227	Aug-19	0
Sep-18	458	Sep-19	0
Oct-18	159	Oct-19	411
Nov-18	94	Nov-19	132
Dec-18	78	Dec-19	138
Jan-19	84	Jan-20	176
Feb-19	93	Feb-20	154
Mar-19	2343	Mar-20	155
Apr-19	145	Apr-20	105
May-19	228	May-20	0
Average	383	Average	122
Detection units charged @ 1141 units/month			

Perusal of the consumption data of the Respondent shows that the average consumption of





National Electric Power Regulatory Authority

the Respondent recorded during the disputed period is much less than the average consumption of the Respondent during the corresponding period before the dispute. However, the detection bill charged @ 1141 units per month for the disputed period July 2019 to May 2020 is much higher than the consumption of the corresponding period before the dispute.

- 6.5 In view of the foregoing discussion, we are of the considered view that the detection bill amounting to Rs.368,398/- against 12,344 units charged to the Respondent on the basis difference of already charged units till April 2020 and the final reading of the impugned meter is unjustified and the same is liable to be cancelled, which is also the determination of the POI.
- 6.6 As evident from the above table, actual consumption was not recorded by the impugned meter during the disputed period i.e. July 2019 to May 2020, therefore the bills for the said period be revised @ 383 units per month as recorded during the corresponding undisputed period before the dispute. The impugned decision is liable to be modified to this extent.
7. Summing up the foregoing discussion, it is concluded that:
- 7.1 The detection bill of Rs.368,398/- against 12,344 units charged to the Respondent on the basis difference of already charged units till April 2020 and the final reading of the impugned meter is unjustified and the same is cancelled.
- 7.2 The Respondent may be charged the revised bills for the period from July 2019 to May 2020 @ 383 units per month as recorded during the corresponding undisputed period before the dispute.
- 7.3 The billing account of the Respondent may be overhauled after adjusting payments made against the impugned detection bill.
8. The impugned decision is modified in the above terms.

On leave

Abid Hussain
Member

Muhammad Irfan-ul-Haq
Member

Naweed Illahi Sheikh
Convener

Dated: 12-03-2024

