



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

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No. NEPRA/Appeal/137/2021/304

March 08, 2024

1. Khurram Shahzad,  
S/o. Muhammad Yaqoob,  
R/o. House No.766-Upper Flour,  
Nagina Hospital, Block B-III,  
Gujjar Pura, China Scheme,  
Lahore  
Cell No. 0322-4743180
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,  
Sher Alam Gate 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.137/2021 (LESCO Vs. Khurram Shahzad) Against the Decision Dated 15.06.2021 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.137/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Khurram Shahzad, S/o. Muhammad Yaqoob,  
R/o. House No.766-Upper Floor, Nagina Hospital, Block B-III,  
Gujjar Pura, China Scheme, Lahore

.....Respondent

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

For the Appellant:

Syed Kashif Ali Bukhari Advocate

For the Respondent:

Mr. Khuram Shahzad

## DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 15.06.2021 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Khuram Shahzad (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.07-11145-0698500-U with sanctioned load of 1 kW and the applicable tariff category is A-2(a). The M&T team of the Appellant checked the metering equipment of the Respondent on 23.09.2020, and reportedly, the Respondent was found stealing electricity through tampering with the meter. Notice dated 29.09.2020 was issued to the Respondent and a detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 was debited to the Respondent and added to the bill for November 2020. The impugned billing meter of the Respondent was replaced with a new meter by the Appellant in November 2020.

Appeal No.137/POI-2021

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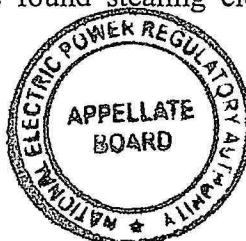
3. Being aggrieved with the above actions of the Appellant, the Respondent filed a complaint before the POI and assailed the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 15.06.2021, wherein the detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 was cancelled and the Appellant was allowed to charge the revised bills w.e.f August 2020 and onwards till the replacement of the impugned meter as per consumption of corresponding months of the previous year.
4. The Appellant has filed the instant appeal against the afore-said decision dated 15.06.2021 of the POI (hereinafter referred to as the "impugned decision") before the NEPRA. 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 the Respondent ignored the documents annexed with the reply and passed the impugned decision without examine the previous history and conduct of the Respondent; that the POI has not thrashed out the consisting reasons of the Appellant and passed the illegal order and that the impugned decision is liable to be set aside in the interest of justice.

### 5. Proceedings by the Appellate Board

Upon the filing of the instant appeal, notice dated 29.11.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were submitted on 10.12.2021. In the reply, the Respondent rebutted the version of the Appellant and contended that the Appellant did not provide concrete evidence for the illegal abstraction of electricity. The Respondent further contended that the Appellant could not defend their case before the POI as the consumption pattern of the premises even could not support the version of the Appellant regarding dishonest abstraction of electricity. The Respondent prayed that the impugned decision is liable to be upheld and the impugned detection bill be set aside for the sake of justice and equity.

### 6. Hearing

- 6.1 Hearing was held at NEPRA Regional Office Lahore on 15.12.2023, wherein both the Appellant and the Respondent tendered appearance. Learned counsel for the Appellant averred that the Respondent was found stealing electricity through tampering with the





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impugned meter; therefore, a detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 was debited to the Respondent to recover the revenue loss sustained due to theft of electricity. He defended the charging of the impugned decision and argued that the POI neither considered the consumption data nor the M&T checking report while rendering the impugned decision. He prayed for setting aside the impugned decision.

6.2 On the other hand, the Respondent repudiated the version of the Appellant and argued that the Appellant neither produced the impugned meter before the POI nor could justify the charging of the detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020. The Respondent supported the impugned decision for cancellation of the above detection bill and pleaded that the same is liable to be maintained in the best interest of justice and the appeal be dismissed with cost.

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

7.1 The Appellant debited a detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 to the Respondent on account of dishonest abstraction of electricity through tampering with the impugned meter as observed on 23.09.2020. The Respondent challenged the above detection bill before the POI.

7.2 The Appellant while charging the impugned detection bill for four months violated Clause 9.1c(3) of the Consumer Service Manual 2010. Said clause of the CSM-2010 restricts the Appellant to debit the detection bill maximum for three months to the Respondent being a general supply consumer in the absence of approval of the CEO. Moreover, the Appellant did not produce the impugned billing meter of the Respondent before the POI for verification of alleged tampering. To further verify the contention of the Appellant regarding the impugned detection bill, the consumption data of the Respondent is analyzed in the below table:

Undisputed		Disputed		Undisputed	
Month	Normal	Month	Units	Month	Units
Jun-19	37	Jun-20	14	Jun-21	178
Jul-19	50	Jul-20	48	Jul-21	266
Aug-19	15	Aug-20	53	Aug-21	191
Sep-19	17	Sep-20	59	Sep-21	0
<b>Total</b>	<b>119</b>	<b>Total</b>	<b>174</b>	<b>Total</b>	<b>635</b>





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Detection units charged @ 990 units/month

As evident from the above table, the detection units charged @ 990 units/month during the disputed period from June 2020 to July 2020 are much higher than the total consumption of the corresponding months of the preceding and succeeding years. Under these circumstances, we are of the considered view that the detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 debited to the Respondent is illegal, unjustified, inconsistent with Clause 9.1c(3) of the CSM-2010 and the same is liable to be cancelled as already determined by the POI.

7.3 Since actual consumption could not be recorded by the impugned billing meter of the Respondent due to its defectiveness even in the corresponding months of the year 2019, therefore it would be fair and appropriate to debit the revised bills from June 2020 to November 2020 as per healthy consumption of corresponding months of the year 2021. The impugned decision is liable to be modified to this extent.

8. In view of what has been stated above, it is concluded that:

8.1 The detection bill of Rs.104,409/- for 3,784 units for four months i.e. June 2020 to September 2020 debited to the Respondent is unjustified and the same is cancelled.

8.2 The Respondent may be charged the revised bills from June 2020 to November 2020 as per undisputed healthy consumption of corresponding months of the year 2021.

8.3 The billing account of the Respondent may be overhauled after adjusting payments made against the disputed bills.

9. The impugned decision is liable to be modified to this extent.

On leave

Abid Hussain  
Member/Advisor (CAD)

Dated: 08-03-2024

Naveed Illahi Sheikh  
Convener/DG (CAD)

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

