



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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/150/2021/305

March 08, 2024

1. Abdul Sattar,  
S/o. Muhammad Ismail,  
R/o. House No.27, Street No.42,  
Scheme No. 02, Chah Miran,  
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,  
Chah Miran 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.150/2021 (LESCO Vs. Abdul Sattar) Against the Decision Dated 28.09.2021 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.150/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Abdul Sattar S/o. Muhammad Ismail,

R/o. House No.27, Street No.42, Scheme No.02, Chah Miran, 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. Zahid Safdar Court Clerk

#### For the Respondent:

Mr. Abdul Sattar

### **DECISION**

1. As per facts of the case, Mr. Abdul Sattar (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.46-11153-0877201 having a sanctioned load of 07 kW and the applicable tariff category is B-1(b). The metering equipment of the Respondent was checked by the metering and testing (M&T) team of the Appellant on 24.05.2019, and reportedly the billing meter was found defective/sticking. The Appellant charged a detection bill of Rs.252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 to the Respondent based on the connected load i.e. 8 kW and added to the bill for May 2019.
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 complaint of the Respondent was disposed of by the POI vide decision dated 28.09.2021, wherein it was held that the detection bill of Rs. 252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 is void, unjustified, and of no legal effect and the Appellant is allowed to charge revised bills w.e.f. March 2019 and onwards till the replacement of the impugned meter as per consumption of corresponding months of the previous year.

*M.*





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3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 28.09.2021 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 POI misconceived and misconstrued the real facts of the case and erred in declaring the detection bill of Rs.252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 as null and void; that the Clause 4.3.3c(ii) of the CSM-2020 could not be made applicable in the instant case; that the impugned meter became defective in November 2018, hence the above detection bill charged to the Respondent is justified and payable by the Respondent; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of the Electricity Act, 1910; and that the impugned decision is liable to be set aside.
4. Notice dated 09.12.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

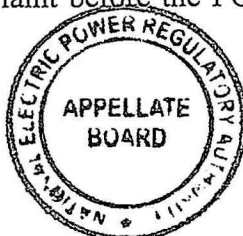
### 5. Hearing

- 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 15.12.2023, wherein learned counsel appeared for the Appellant and the Respondent appeared in person. Learned counsel for Appellant contended that the billing meter of the Respondent was found defective during M&T checking dated 24.05.2019, therefore the detection bill of Rs.252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 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.
- 5.2 Conversely, the Respondent repudiated the version of the Appellant and contended that the billing meter was found defective in May 2019, hence POI has rightly allowed the Appellant to recover the bills w.e.f March 2019 and onwards as per consumption of corresponding months of the previous year. 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 Objection regarding the time limit for POI

The Respondent filed his complaint before the POI on 19.07.2021 under Section 38 of the





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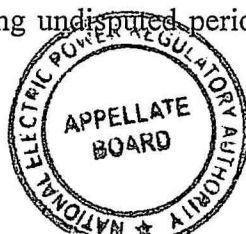
NEPRA Act. POI pronounced its decision on 28.09.2021 i.e. after 71 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the NEPRA Act, 1910. In this regard, it is observed that the forum of POI has been established 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 PLJ 2017 627 Lahore and PLJ 2017 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 per the available record, M&T checked the metering equipment on 24.05.2019 and the billing meter was found defective. Therefore, the Appellant charged a detection bill of Rs. 252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 to the Respondent based on connected load i.e. 7 kW.

6.3 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 defectiveness of the metering equipment. Whereas the Appellant debited the detection bill on the basis of connected load i.e. 8 kW, which is utter violation of the foregoing clause of the CSM-2010. The Appellant debited the above detection bill beyond two billing cycles with the plea that the impugned meter has been defective since November 2018. To verify the contention of the Appellant, consumption data is examined below:

Undisputed		Disputed		Undisputed	
Month	Units	Month	Units	Month	Units
Nov-17	164	Nov-18	224	Nov-19	81
Dec-17	117	Dec-18	162	Dec-19	100
Jan-18	146	Jan-19	148	Jan-20	76
Feb-18	26	Feb-19	167	Feb-20	12
Mar-18	101	Mar-19	143	Mar-20	19
Apr-18	97	Apr-19	140	Apr-20	2
Total	651	Total	984	Total	290

6.4 The above comparison of the consumption data negates the version of the Appellant regarding the defectiveness of the impugned meter as the said meter recorded higher consumption during the disputed period i.e. November 2018 to April 2019 as compared to the total consumption of corresponding undisputed periods before and after the dispute. In





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view of the foregoing discussion, it is concluded that the detection bill of Rs.252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 debited to the Respondent is unjustified and the same is liable to be cancelled as already determined by the POI.

6.5 Since defectiveness in the impugned billing meter of the Respondent was observed on 24.05.2019, therefore, the Respondent is liable to be charged the revised detection bill for two billing cycles before checking dated 24.05.2019, according to Clause 4.4(e) of the CSM-2010.

6.6 Moreover, the onward bills till the date of replacement of the impugned meter are liable to be revised as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher 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 Rs.252,288/- for 13,207 units for six months for the period from November 2018 to April 2019 charged to the Respondent is unjustified and cancelled.

7.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 24.05.2019 as per Clause 4.4(e) of the CSM-2010.

7.3 The onward bills till the date of replacement of the impugned meter be revised as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher as per Clause 4.4(e) 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.)

