



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

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No. NEPRA/Appeal/028/2023/ 409

April 29, 2024

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| 1. Muhammad Umer Rana,
S/o. Inam Elahi Rana,
House No. 140-A, Ahmad Block,
New Garden Town, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Syed Ghazanfar Hussain Kamran,
Advocate High Court,
Office No. 06, Aftab Tower,
16-Syed Moj Darya Road,
Lahore
Cell No. 0300-6571505 | 4. A. D. Bhatti,
Advocate High Court,
Office No. 4, First Floor,
Rehmat Tower, 13-Fane Road,
Lahore
Cell No. 0300-9431653 |
| 5. Sub Divisional Officer (Operation),
LESCO Ltd,
Garden 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.028/2023 (LESCO Vs. Muhammad Umer Rana) Against the Decision Dated 06.02.2023 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 29.04.2024 (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.028/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Umar Rana S/o. Inam Elahi Rana,
House No.140-A. Ahmad Block, New Garden Town, Lahore

.....Respondent

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

For the Appellant:

Mr. Ghazanfar Hussain Kamran Advocate

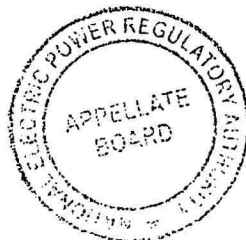
For the Respondent:

Mr. A.D. Bhatti

DECISION

1. As per the facts of the case, Muhammad Umar Rana (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.09-11513-0046502-U having sanctioned load of 05 kW and the applicable tariff category is A-1(b). Metering equipment of the Respondent was checked by the M&T team of the Appellant on 21.01.2022, and reportedly the billing meter was found 33% slow due to one phase being dead. Resultantly, a detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 was debited to the Respondent on the basis of corresponding consumption of the year 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 06.02.2023, wherein it was held that the detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 is void, unjustified and of no legal effect and the Appellant is allowed to charge revised bills w.e.f. November 2021 and onwards till the replacement of the impugned meter on the basis of consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher.

Appeal No.028/POI-2023



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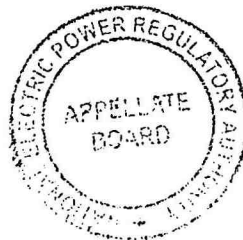
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3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 02.06.2023 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the impugned decision is against the law and facts of the case; that the impugned decision has been passed without applying judicial mind and based on misreading of the record and evidence; that the POI miserably erred in holding that the meter was running correctly; that the POI neither recorded the evidence nor perused the consumption data in true perspective; and that the impugned decision is liable to be set aside.
4. Notice dated 22.03.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 19.01.2024. In the reply, the Respondent prayed for dismissal of the appeal on the following grounds that the impugned detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 was charged in violation of clause 4.3.3c(ii) of the CSM-2021; that said clause of the CSM-2021 restricts the Appellant to debit the detection bill maximum for two months in case of a slowness meter; and that the impugned decision is liable to be upheld.

5. Hearing

- 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 19.01.2024, wherein learned counsels appeared for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found 33% slow due to one dead phase during M&T checking dated 21.01.2022, therefore, a detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 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, hence the POI has rightly allowed the Appellant to recover the bills w.e.f. November 2021 and onwards as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher. The Respondent defended the impugned decision and prayed for dismissal of the appeal being devoid of merits.

M. A.





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

6.1 As per the available record, the billing meter of the Respondent was found 33% slow due to the red dead phase during the M&T team of the Appellant on 21.01.2022. Therefore, the Appellant charged a detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 to the Respondent on the basis of consumption of corresponding months of the year 2019, which was assailed by him before the POI.

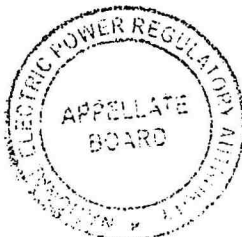
6.2 According to Clause 4.3.3c(ii) of the CSM-2021, the Appellant is empowered to recover their revenue loss by debiting the detection bill maximum for two months in case of slowness of the metering equipment. However, the Appellant debited the detection bill for six months retrospectively and the basis of said detection bill was made on consumption of corresponding months of the year 2019, which is violative of Clause 4.3.3c(ii) of the CSM-2021. To further ascertain the version of the Appellant, the consumption data of the Respondent is reproduced below:

Undisputed period		Disputed period	
Month	Units	Month	Units
Jul-20	1161	Jul-21	421
Aug-20	1249	Aug-21	379
Sep-20	1088	Sep-21	679
Oct-20	633	Oct-21	627
Nov-20	313	Nov-21	186
Dec-20	281	Dec-21	139
Total	4725	Total	2431

As evident from the above table, the total consumption recorded by the impugned meter during the disputed period i.e. from July 2021 to December 2021 is lesser than the total consumption of the corresponding months of the year 2020. However, the Respondent may be charged the detection bill maximum for two months to account for 33% slowness of the meter.

6.3 In view of the foregoing discussion, it is concluded that the detection bill of Rs.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 debited to the Respondent is unjustified contrary to Clause 4.3.3c(ii) of the CSM-2021 and the same is liable to be cancelled as already determined by the POI.


6.4 33% slowness in the impugned billing meter of the Respondent was observed by the M&T team of the Appellant on 21.01.2022, therefore, the Respondent is liable to be charged the revised detection bill for two billing cycles prior to checking dated 21.01.2022 after adding 33% slowness, according to Clause 4.3.3c(ii) of the CSM-2021.







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- 6.5 Moreover, the bills w.e.f. checking dated 21.01.2022 and onwards till the replacement of the meter are liable to be charged by raising MF due to 33% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021. 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.122,418/- for 4,429 units for six (06) months i.e. from July 2021 to December 2021 debited to the Respondent is unjustified and the same is cancelled.
- 7.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 21.01.2022 after adding 33% slowness, according to Clause 4.3.3c(ii) of the CSM-2021 and further bills w.e.f. checking dated 21.01.2022 and onwards till the replacement of the impugned meter by raising MF @ 33% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021.
- 7.3 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.


Abid Hussain
Member/Advisor (CAD)

Dated: 29-04-2024


Naweed Illahi Sheikh
Convener/DG (CAD)


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

