



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

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No. NEPRA/Appeal/064/2023/ 4/2

April 30, 2024

1. M/s. N.F.C Employees Co-operative Housing Society Ltd,  
Through its Secretary,  
Mr. Mumtaz Hussain Baloch,  
Lahore
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Nauman Rathore,  
Advocate High Court,  
41/B3, Johar Town, Lahore  
Cell No. 0321-6049577
4. A. D. Bhatti,  
Advocate High Court,  
Office No. 4, First Floor,  
Rehmat Tower, 13-Fane Road,  
Lahore  
Cell No. 0300-9431653
5. Assistant Manager (Operation),  
LESCO Ltd,  
Engineering Town Sub Division,  
Lahore
6. POI/Electric Inspector  
Lahore Region-II, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore

Subject: **Appeal No.064/2023 (LESCO Vs. M/s. N.F.C Employees Co-operative Housing Society Ltd.) Against the Decision Dated 02.05.2023 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-II, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 30.04.2024 (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.064/POI-2023

Lahore Electric Supply Company Limited .....Appellant

Versus

M/s. NFC Employees Cooperative Housing Society,  
Through its Secretary Mumtaz Hussain Baloch, Lahore .....Respondent

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

### For the Appellant:

Mr. Nauman Rathore Advocate  
Mr. Muhammad Saleem

### For the Respondent:

Mr. A.D Bhatti Advocate

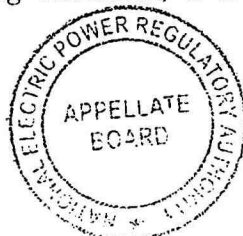
## DECISION

1. Brief facts leading to the filing of instant appeal are that M/s. NFC Employees Cooperative Housing Society (hereinafter referred to as the "Respondent") is a street light consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref. No. 44-11218-2399306-U with sanctioned load of 06 kW and the applicable Tariff category is G-2. The Respondent filed various complaints before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") and challenged the bills from the period from August 2021 to December 2021. In his complaints, the Respondent submitted that the Appellant debited the bills till July 2021 as per actual meter reading, thereafter the irregular bills were raised with fictitious readings. The Respondent prayed for correction of the above bills as per the actual meter reading.
2. During the joint checking dated 09.03.2023 in the presence of POI, the reading of the billing meter No.116355 of the Respondent was recorded as 76383.64 index, the joint checking report of the POI was signed by both parties without raising any objection. The matter was disposed of by the POI vide the decision dated 02.05.2023, the operative portion of which is reproduced below:

*"Summing up the foregoing discussion, it is held that the impugned bills*

Appeal No.064/POI-2023

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11. 02



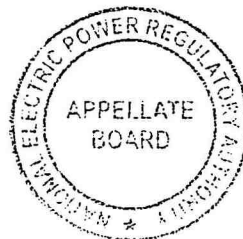
## National Electric Power Regulatory Authority

*amounting to Rs. 53,492 for the cost of 1828 units, Rs. 35,082 for the cost of 1135 units, Rs. 37,766 for the cost of 1135 units, Rs. 64,581, Rs. 10,570, charged in 08/2021 to 12/2021 are void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. The respondents are directed to afford credit adjustment to the petitioner for above said excessive bills, over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills. The petition is disposed of in the above terms."*

3. Subject appeal has been filed against the afore-referred decision dated 02.05.2023 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before NEPRA. The Appellant opposed the impugned decision *inter alia*, on the following grounds that the impugned decision is against the law and facts of the case; that the bill of May 2022 was charged to the Respondent according to the actual consumption, usage, meter reading and there is no irregularity on the part of the Appellant; that the Respondent has no *locus standi* to file the complaint before the POI; that the matter between the parties can only be decided by adducing the evidence and the only forum for adducing evidence is Civil Court; that if the appeal is not accepted, the Appellant shall be bound to suffer irreparable loss and injury; that the Respondent is a habitual offender and that the impugned decision may be set aside in the interest of justice, equity, and fair play.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 20.07.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 01.09.2023. In the reply, the Respondent prayed for dismissal of the appeal on the following grounds that the POI has carefully and properly adjudged the question of law and facts involved in the case and the Appellant has no reason to agitate the matter through the instant appeal which deserves rejection; that the Appellant failed to pinpoint any material illegality or jurisdictional defect, infirmity or perversity in the impugned decision; that the Appellant debited excessive bills, which are not inline with the snapshot of the meter reading; that the POI during joint checking dated 09.03.2023 observed the readings of the meter as  $T_L=76383.64$ ,  $T_1=22626.55$ ,  $T_2=53757.09$ , therefore the Appellant has no right to challenge the impugned decision, which is completely in accordance with law; that the POI is the competent forum to adjudicate the instant matter pertains to the billing, metering and collection of tariff under Section 38 of the NEPRA Act; that the Appellant failed to fulfil the requirements as laid down in Chapter 6 of the CSM and committed



*M. A.*



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serious illegalities while debiting the impugned bills.

### 5. Hearing

5.1 Hearing was fixed for 19.01.2024 at NEPRA Regional Office Lahore, wherein learned counsels appeared for both the Appellant and the Respondent. During the hearing, learned counsel for the Appellant reiterated the same version as contained in memo of the appeal and contended that the impugned bills from August 2021 to December 2021 were debited to the Respondent as per the actual meter reading, which were paid by the Respondent without raising any objection, hence the Respondent has no *locus standi* to agitated the paid bills before the POI. As per learned counsel for the Appellant, the POI decided the fate of bills beyond the prayers of the Respondent, hence the impugned decision is liable to be struck down.

5.2 On the contrary, the learned counsel for the Respondent rebutted the version of the learned counsel for the Appellant and contended that the Appellant debited excessive billing, which is evident from the snapshot depicted in the bills. As per learned counsel for the Respondent the POI after correct perusal of the record and the witnessing of the meter readings decided the matter in accordance with facts and law. Learned counsel for the Respondent finally prayed for dismissal of the appeal being devoid of merits.

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

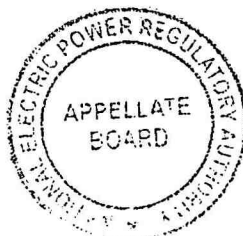
#### 6.1 Preliminary objection of the Appellant regarding jurisdiction of the POI:

At first, the preliminary objection of the Appellant regarding the jurisdiction of the POI needs to be addressed. It is observed that the Respondent disputed the matter of irregular bill before the POI, who has exclusive jurisdiction to adjudicate the disputes of metering, billing, and collection of tariff under Section 38 of the NEPRA Act. In view of the foregoing, the objection of the Appellant is dismissed.

#### 6.2 Bills for the period from August 2021 to December 2021:

The Respondent filed various applications before the POI and challenged the bills from August 2021 to December 2021 and from March 2022 to May 2022 with the plea that the Appellant debited the aforesaid bills with fictitious readings. POI during joint checking dated 09.03.2023 of the metering equipment of the Respondent observed that the meter was working within specified limits and the readings of the said meter were noted as  $T_1 = 76383.64$ ,  $T_1 = 22626.55$ ,  $T_2 = 53757.09$ , joint checking report of POI was signed by both parties without raising any objection. POI vide impugned decision declared the bills from

M. Q.





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August 2021 to December 2021 as null and void against which the Appellant filed instant appeal before the NEPRA.


- 6.3 It is an admitted fact that the bills till July 2021 were charged as per meter reading, which were paid by the Respondent accordingly without raising any dispute, thereafter the bills w.e.f August 2021 and onwards were disputed by the Respondent before the POI, however, no adjustment was done by the Appellant to date. To reach just conclusion, the consumption data of the Respondent as provided by the Appellant is compared below with the reading noted by the POI during joint checking dated 09.03.2023:


A	Reading noted	B	Reading charged
POI checking dated 09.03.2023	76383	24.02.2023	77239
30.07.2021	68876	30.07.2021	68876
Difference	7507	Difference	8363

The above comparison of the consumption data shows that the Appellant debited the bills with the reading index of 77239 noted on 24.02.2023, whereas the reading of the meter of the Respondent was noted as 76383 during the subsequent joint checking dated 09.03.2023 of POI, the said checking report was signed by both parties without raising any objection. This whole scenario indicates that the Appellant debited the excessive bills with fictitious readings till February 2023, therefore the Respondent may be afforded credit/adjustment of units in the future bills as per the reading index of 76383 noted during the POI joint checking dated 09.03.2023, which was also determined by the POI.

7. Foregoing in view, the appeal is dismissed.

  
Abid HusSain  
Member/Advisor (CAD)

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

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

Dated: 30-04-2024

