



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

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No. NEPRA/Appeal/066/2023/ 4/4


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.066/2023 (LESCO Vs. M/s. N.F.C Employees Co-operative Housing Society Ltd.) Against the Decision Dated 28.04.2023 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.066/POI-2023

Lahore Electric Supply Company LimitedAppellant

Versus

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

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:

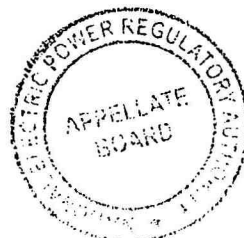
Mr. A.D Bhatti Advocate

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 commercial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref. No. 44-11218-3051000-U with sanctioned load of 05 kW and the applicable Tariff category is A-2C. The Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the excessive bills for the periods from August 2021 to December 2021 and from March 2022 to May 2022 with the plea that excessive readings were charged by the Appellant.
2. During the joint checking dated 15.09.2022 of the POI, the billing meter No.68867 of the Respondent was found within BSS limits and its readings index were noted as TL=107559, T1=23657, T2=83902, the joint checking report of the POI was signed by both parties without raising any objection. The impugned meter of the Respondent was replaced with a new meter bearing No.181170 by the Appellant in January 2023. POI during another checking dated 09.03.2023 found meter No.181170 working within BSS limits and the

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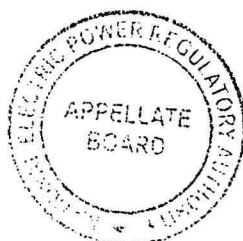
readings index of the new meter were noted as TL=224.74, T1=55, T2=169.7. The matter was disposed of by the POI vide the decision dated 28.04.2023, wherein the bills for the period (i) from August 2021 to December 2021 and from March 2022 to May 2022 were cancelled. As per the POI decision, the Appellant was directed to afford credit of 8,354 units on account of overbilling, and any excess amount recovered be adjusted in future bills.

3. Subject appeal has been filed against the afore-referred decision dated 28.04.2023 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 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 TL=224.74, T1=55, T2=169.7, therefore the Appellant has no right to challenge the impugned decision, which is completely in accordance with law, whereby the Appellants were directed to charge zero peak units until already charged units at reading index i.e.8354; 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

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Act: that the Appellant failed to fulfil the requirements as laid down in Chapter 6 of the CSM and committed 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 November 2022 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 agitate 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.

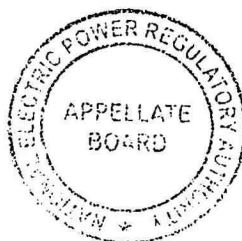
6. Arguments heard and the record perused. Following are our observations:

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 from August 2021 to September 2022:

The Respondent filed various applications before the POI and challenged the bills from August 2021 to December 2022 with the plea that the Appellant debited the aforesaid bills with fictitious readings. POI during joint checking dated 15.09.2022 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 TL=107559, T1=23657, T2=83902, joint



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checking report of POI was signed by both parties without raising any objection. POI vide impugned decision declared the bills from August 2021 to December 2021 and March 2022 to May 2022 as null and void and the Appellant was directed to adjust credit of 8354 units to the Respondent in future bills against which the Appellant filed instant appeal before the NEPRA.

- 6.3 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 15.09.2022:

Table-A	A	B	C= A-B
Reading	Charged till Sep-2022	POI checking dated 15.09.2022	Difference
Off-peak	92256	83902	8354
Peak	23670	23657	13

The above comparison of the consumption data shows that the Appellant debited the bills till September 2022 with reading index (OP=92256+P=23670), whereas the reading of the meter of the Respondent was noted during the joint checking dated 15.09.2022 of POI as (OP=83902 +P=23657), the said checking report was signed by both parties without raising any objection. This whole scenario indicates that the Appellant debited the bills with excessive off-peak units till September 2022, therefore the Respondent is liable to be afforded credit of OP=8354 units, 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

