



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

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No. NEPRA/Appeal/092/2022/408

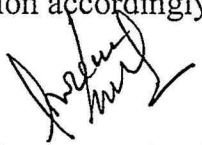
April 29, 2024

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| 1. Naeem Ashraf Rana,
S/o. Muhammad Ashraf,
R/o. Salar Centre, 13-Babar 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.092/2022 (LESCO Vs. Naeem Ashraf Rana) Against the Decision Dated 22.02.2022 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.092/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Nacem Ashraf Rana S/o. Muhammad Ashraf,

R/o. Salar Center, 13-Babar 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. Ghafar Hussain Kamran Advocate

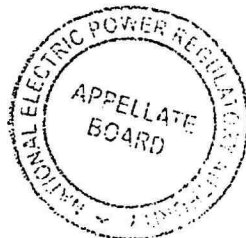
For the Respondent:

Mr. A.D. Bhatti Advocate

DECISION

1. Briefly speaking, Mr. Naeem Ashraf (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.24-11513-1008304 having a sanctioned load of 498 kW and the applicable tariff category is A-2C. The Respondent initially filed an application before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the “POI”) for checking of metering equipment. During joint checking of the POI on 22.04.2021, the impugned billing meter was found defective with erratic behavior, the said checking report was signed by both parties without raising any objection. The POI vide order dated 23.04.2021 directed the Appellant to replace the impugned meter with a new meter. Subsequently, the Respondent filed a complaint before the POI and challenged the bills from February 2021 to July 2021 with the plea that the Appellant debited excessive bills. The complaint of the Respondent was disposed of by the POI vide decision dated 22.02.2022, wherein, the Appellant was directed to revise the bills w.e.f, February 2021 and onwards till the replacement of the impugned meter as per consumption of corresponding months of the previous year or average consumption of last eleven months, whichever is higher.

Appeal No.092/POI-2022



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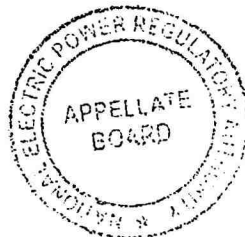


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2. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 22.02.2022 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the 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.
3. Notice dated 20.07.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 05.08.2022. In the reply, the Respondent prayed for dismissal of the appeal on the following grounds that the impugned meter was declared defective with erratic behavior during POI joint checking dated 22.04.2021; that the Appellant was required to replace the impugned meter with a new meter; that the Appellant debited the excessive bills from February 2021 and onwards which are contrary to the provisions of the CSM-2021; that the meter recording higher MDI due to its fastness; that the POI is competent to entertain the complaint regarding the billing dispute under Section 38 of the NEPRA Act; that the appeal is hopelessly time barred being filed after a considerable time of announcement of the impugned decision; and that the impugned decision is liable to be upheld.

4. Hearing

- 4.1 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 bills from February 2021 to July 2021 were charged to the Respondent as per actual meter reading and the same are payable being justified. He opposed the impugned decision and averred that the POI did not analyze the consumption data of the Respondent and erroneously revised the bills w.e.f. February 2021 and onwards as per consumption of corresponding months of the previous year or average consumption of the last eleven months, whichever is higher. Learned counsel for the Appellant finally prayed that the impugned decision is unjustified and the same is liable to be struck down.
- 4.2 Conversely, learned counsel for the Respondent repudiated the version of the Appellant and contended that the billing meter was declared during joint checking dated 22.04.2021, therefore the Appellant was required to replace the impugned meter instead of that the Appellant debited excessive bills during the period from February 2021 to July 2021. As per



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learned counsel for the Respondent, the POI has rightly revised the aforementioned bills as per Clause 4.3.1(b) of the CSM-2021. Learned counsel for the Respondent defended the impugned decision and prayed for upholding the same.

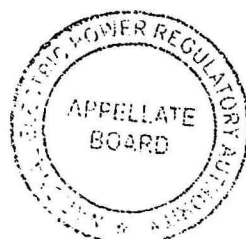
5. Having heard the arguments and record perused. Following are our observations:

- 5.1 While addressing the preliminary objection of the Respondent regarding limitation, it is observed that the copy of the impugned decision was obtained by the Appellant on 24.06.2021 and the appeal was filed before the NEPRA on 27.06.2021 within 30 days from the date of receipt of the impugned decision as given in Section 38(3) of the NEPRA Act. Hence, the objection of the Respondent is dismissed.
- 5.2 It is an admitted fact that the impugned meter was declared defective during joint checking dated 22.04.2021 of the POI, hence only the billing of the disputed period from February 2021 to July 2021 will be analyzed in the below paras:

Undisputed period			Disputed period			Last eleven undisputed months		
Month	Units	MDI	Month	Units	MDI	Month	Units	MDI
Feb-20	16000	96	Feb-21	52800	240	Mar-20	3520	224
Mar-20	3520	224	Mar-21	121120	224	Apr-20	4640	208
Apr-20	4640	208	Apr-21	50400	224	May-20	33120	96
May-20	33120	96	May-21	60640	320	Jun-20	8640	240
Jun-20	8640	240	Jun-21	72320	240	Jul-20	83360	208
Jul-20	83360	208	Jul-21	104320	320	Aug-20	84160	192
						Sep-20	96960	352
						Oct-20	44640	208
						Nov-20	44480	144
						Dec-20	12800	176
						Jan-21	37920	176
Average	24,880	179	Average	76,933	261	Average	51,813	200

Persual of the above table shows that the Appellant debited excessive bills from February 2021 to July 2021 to the Respondent as compared to the consumption of corresponding months of the previous year as well as the average consumption of the last eleven months. Thus, we are inclined to agree with the determination of the POI for revision of the bills w.e.f. February 2021 and onwards till the replacement of the impugned meter as per consumption of the

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corresponding month of the previous year or average consumption of the last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021.

6. Foregoing in view, the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD)

Naweed Illahi Sheikh
Convener/DG (CAD)

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

Dated: 29-04-2024

