



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

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No. NEPRA/Appeal/028/2022/ 446

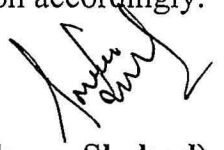
May 13, 2024

1. Malik Rehan Naveed,  
R/o. House No. 02, Street No. 29,  
Mohallah Chowk Bhagtan,  
Ram Nagar, Islampura,  
Lahore  
Cell No. 0320-4028540
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,  
Sanda 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.028/2022 (LESCO Vs. Malik Rehan Naveed) Against the Decision Dated 14.12.2021 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 13.05.2024 (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-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Malik Rehan Naveed, R/o. Khasra No.208,  
Saggian Road, Near Petrol Pump Sanda, Lahore

.....Respondent

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

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

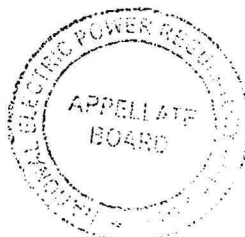
## DECISION

1. Brief facts leading to the filing of instant appeal are that Malik Rehan Naveed (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. 24-11111-1466404-U with sanctioned load of 34 kW and the applicable Tariff category is B-2(b). During M&T checking dated 05.07.2021 of the Appellant, red phase of the billing meter of the Respondent was found defective, therefore, a detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months was charged by the Appellant to the Respondent due to 33% slowness of the meter and added to the bill for July 2021.
2. Being aggrieved, the Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 20.08.2021 and challenged the above detection bill. During the joint checking dated 16.11.2021 of the POI, the billing meter of the Respondent was found working within BSS limits, the joint checking report

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of the POI was signed by both parties without raising any objection. The matter was disposed of by the POI vide the decision dated 14.12.2021, wherein the detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months was cancelled.

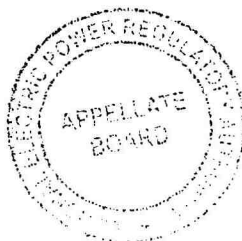
3. Subject appeal has been filed against the afore-referred decision dated 14.12.2021 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before NEPRA. The Appellant opposed the impugned decision, *inter alia*, on the following grounds that the impugned decision is against the law and facts of the case; that the POI misconceived and misconstrued the real facts of the case while passing the impugned decision, and erred in holding that the detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months as null and void; that the above-said detection bill is quite legal, valid and the Respondent is under obligation to pay the same; that the POI neither recorded evidence nor perused the relevant record/consumption data in true perspective and decided the petition on mere surmises and conjectures; that the POI passed the impugned decision after 90 days, hence the impugned decision is liable to be set aside relied upon the judgment of superior court reported in 2006 YLR Page 2612 and that the impugned decision is liable to be set aside.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 25.03.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 08.04.2022. In his reply, the Respondent rebutted the version of the Appellant regarding the slowness of the meter, supported the impugned decision, and prayed for upholding the same.

5. **Hearing**

Hearing was fixed for 20.01.2024 at NEPRA Regional Office Lahore, wherein learned counsel appeared for the Appellant, and no one tendered appearance for 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 detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six





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(06) months on account of 33% slowness of the meter, which is evident from the consumption data of the Respondent, but the POI cancelled the above detection bill without consideration of facts and the consumption pattern of the Respondent. As per learned counsel for the Appellant, the POI did not consider the M&T report dated 05.07.2021 while deciding the fate of the impugned detection bill, hence the impugned decision is liable to be struck down.

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

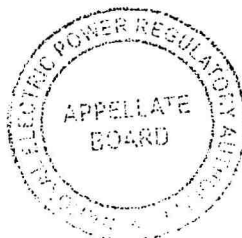
6.1 Objection regarding the time limit for POI to decide the complaint:

As per the record, the Respondent filed his complaint before the POI on 20.08.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 14.12.2021 after the expiry of 90 days from the date 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 Electricity 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 Lahore 627* and *PLJ 2017 Lahore 309*. Keeping in view the overriding effect of the NEPRA Act being later in time, and the above-referred decisions of the honorable High Court, hence the objection of the Appellant is rejected.

6.2 Detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months:

The Appellant debited the detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months to the Respondent on account of 33% slowness of the meter observed on 05.07.2021, which was challenged by the Respondent before the POI. During the POI joint checking dated 16.11.2021, the impugned meter of the Respondent was found working within BSS limits, the joint checking report of the POI was signed by both parties without raising any objection.

6.3 To further ascertain the contention of the Appellant regarding 33% slowness of the meter, the consumption data of the Respondent is reproduced below:






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Period before dispute		Disputed period	
Month	Units	Month	Units
Jan-20	2485	Jan-21	2611
Feb-20	3163	Feb-21	4501
Mar-20	1964	Mar-21	7451
Apr-20	93	Apr-21	1753
May-20	183	May-21	2541
Jun-20	645	Jun-21	4311
<b>Total</b>	<b>8533</b>	<b>Total</b>	<b>23168</b>


The above comparison of the consumption data shows that the total consumption charged during the disputed period January 2021 to June 2021 is much higher than the total consumption charged during the corresponding months of the year 2020. Thus, we are of the considered view that the billing meter of the Respondent recorded healthy consumption during the disputed period, hence there is no justification to debit any detection bill to the Respondent against the said disputed period.


6.4 In view of the above discussion, the detection bill of Rs.248,482/- against 9,884 units+ 145 kW MDI for the period from January 2021 to June 2021 six (06) months charged to the Respondent is unjustified and the same is cancelled, which was also the determination of POI.

7. Foregoing in view, the appeal is dismissed.

  
Abid Hussain  
Member/Advisor (CAD)

Dated: 13-05-2024

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

