



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

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No. NEPRA/Appeal/036/2023/ 45/


May 13, 2024

1. Sarfraz Hussain,
S/o. Abdul Hameed,
R/o. House No. 7, Pak Park Margzar
Housing Society, Multan Road,
Lahore
Cell No. 0320-4002149
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Rao Riaz Ahmad,
Advocate High Court,
Office No. 16, 3rd Floor,
Nizami Plaza, 13-Fane Road,
Lahore
Cell No. 0300-4990042
4. Sub Divisional Officer (Operation),
LESCO Ltd,
Rana Town Sub Division,
Lahore
5. POI/Electric Inspector
Lahore Region-II, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: **Appeal No.036/2023 (LESCO Vs. Sarfraz Hussain) Against the Decision Dated 13.02.2023 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 13.05.2024 (03 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.036/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Sarfaraz Hussain S/o. Abdul Hameed,
R/o. House No.07, Pak Park Margzar Housing Society,
Multan Road, Lahore

.....Respondent

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

For the Appellant:

Rao Riaz Ahmed Advocate
Syed Zain Ali

For the Respondent:

Mr. Sarfaraz Hussain

DECISION

1. As per the facts of the case, Mr. Sarfaraz Hussain (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.11-11238-111383 having a sanctioned load of 01 kW and the applicable tariff category is A-1. Connection of the Respondent was disconnected in June 2021, which was restored by the Appellant in December 2021. Thereafter, the Appellant debited a bill of Rs.213,640/- against 4,245 units to the Respondent on account of uncharged units and added to the bill for January 2022 against which the Respondent made payment of Rs.92,000/- till February 2022 under protest to avoid disconnection of electricity of the premises.
2. Being aggrieved with the abovementioned actions of the Appellant, the Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the “POI”) and challenged the above bill. The complaint of the Respondent was decided by the POI vide its decision dated 13.02.2023, wherein the bill of Rs.213,640/- against 4,245 units debited to the Respondent in January 2022 was cancelled.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 13.02.2023 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

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the following grounds that the impugned decision is against the law and facts of the case; that the alleged checking of the POI was carried out without association of the Appellant and through the installation of bogus meter; that the consumption data shows the reading of the meter as 2947 till June 2021, which advanced to the tune of 7192 till December 2021, therefore 4,245 units are recoverable from the Respondent; that the POI misconstrued the real facts of the case; and that the impugned decision is liable to be set aside.

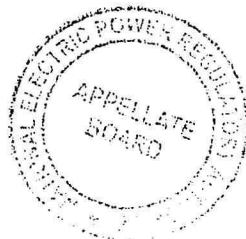
4. Notice dated 05.04.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

5. **Hearing**

- 5.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 19.01.2024, wherein learned counsel appeared for the Appellant and the Respondent appeared in person. Learned counsel for the Appellant contended that the connection of the Respondent was disconnected due to non-payment of bills in June 2021 on paper but the disconnection was not affected in the field and the meter was running, which resulted in the accumulation of units during the period from June 2021 to December 2021, hence the bill of Rs.213,640/- against 4,245 units was debited to the Respondent on account of uncharged units. As per learned counsel for the Appellant, the joint checking of the metering equipment of the Respondent was carried out by the POI unilaterally, hence the impugned decision cannot be based on the alleged checking of the POI. Learned counsel for the Appellant defended the charging of the above bill and prayed for setting aside the impugned decision. On the contrary, the Respondent rebutted the version of the Appellant regarding the impugned bill, defended the impugned decision and prayed for dismissal of the appeal in the best interest of justice.

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

- 6.1 As per the available record, the Respondent challenged the bill of Rs.213,640/- against 4,245 units debited in January 2022 on account of uncharged units before the POI. The Appellant raised the objection against the joint checking dated 07.06.2022 of the POI and stated that the said forum did not associate the Appellant in the said checking of metering equipment of the Respondent, hence we cannot rely upon the joint checking report of the POI. The Appellant pleaded that the above-said bill was charged to the Respondent on account of recovery of uncharged units, however, no authentic document was submitted by the Appellant in support of their contention. To further ascertain the version of the Appellant regarding the impugned bill, consumption data of the disputed period from July 2021 to December 2021 is





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compared below with the consumption of corresponding months of the preceding and succeeding years:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Jul-20	229	Jul-21	0	Jul-22	697
Aug-20	892	Aug-21	0	Aug-22	540
Sep-20	0	Sep-21	0	Sep-22	524
Oct-20	174	Oct-21	0	Oct-22	336
Nov-20	0	Nov-21	0	Nov-22	228
Dec-20	140	Dec-21	4245	Dec-22	163
Average	239	Average	707	Average	415

Perusal of the above consumption data reveals that the average consumption charged during the disputed period i.e. July 2021 to December 2021 to the Respondent is much higher than the average undisputed consumption of corresponding months of the preceding and succeeding years. This indicates that the Appellant debited excessive bill against 4,245 units in January 2022, which is rightly set aside by the POI.

6.2 It would be judicious to charge the revised bills @ 415 units per month for the disputed period from July 2021 to December 2021 as per the average undisputed consumption charged during the corresponding months of the succeeding years. The impugned decision is liable to be modified to this extent.

7. In view of what has been stated above, it is concluded as under:

7.1 The bill of Rs.213,640/- added in January 2022 is unjustified and the same is cancelled.

7.2 The respondent may be charged the revised bills @ 415 units per month for the disputed period from July 2021 to December 2021 as per the average consumption of the corresponding months of the succeeding year.

7.3 The billing account of the Respondent may be overhauled, accordingly.

8. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Dated: 13-05-2024

Appeal No.036/POI-2023

Naweed Illahi Sheikh
Convener/DG (CAD)

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

