



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

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No. NEPRA/Appeal/060/2022/ 5/7


May 29, 2024

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| 1. Ghulam Rasool,
S/o. Abdul Rehman,
R/o. Main Bazaar, Siddique Colony,
Ravi Road, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Fayyaz Faisal Bau,
Advocate High Court,
House No. 104, St. No. 1,
Gunj Klan, Bilal Gunj, Lahore
Cell No. 0300-4251488 | 4. A.D. Bhatti,
Advocate High Court,
Bhatti Law Consultant,
Rehmat Tower 13-Fane Road,
Lahore
Cell No. 0300-9431653 |
| 5. Assistant Manager,
LESCO Ltd,
Qila Muhammadi 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.060/2022 (LESCO Vs. Ghulam Rasool) Against the Decision Dated 04.01.2022 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 29.05.2024 (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.060/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ghulam Rasool S/o. Abdul Rehman,
R/o. Main Bazar, Siddique Colony, Ravi Road, Lahore

.....Respondent

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

For the Appellant:

Mr. Fayyaz Faisal Advocate

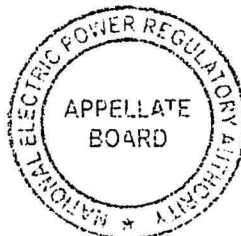
For the Respondent:

Mr. A.D Bhatti Advocate

DECISION

1. Brief facts of the case are that Ghulam Rasool (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.46-11141-0753900-U having sanctioned load of 19 kW and the applicable tariff category is B-1(b). The Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 31.08.2021 and challenged the bill of Rs.146,165/- against 5,944 units debited by the Appellant in May 2021. The matter was decided ex-parte by POI vide decision, wherein the above bill was declared null and void.
2. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 04.01.2022 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 Respondent defaulted in making payment of bills due to which the arrears of Rs.359,269/- accumulated till April 2020 against which the Respondent paid Rs.285,752/- and remaining amount of Rs.88,007/- was adjusted in the billing account of the Respondent; that the POI proceeded ex-parte against the facts and law illegally and unlawfully; that the outstanding amount levied to the Respondent is in accordance with the consumption; that the POI failed to analyze the consumption data in true perspective; that the complaint of the Respondent is barred by law; and that the same is liable to be set aside.

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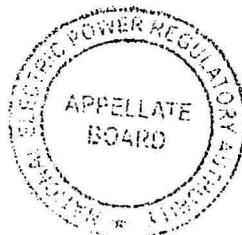
3. Notice dated 24.05.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 17.10.2022. In the reply, the Respondent contended that the Appellant issued final bill of Rs.12,590/- in January 2021 for RCO, which was paid. The Respondent further contended that the bill of Rs.146,165/- against 5,944 units was charged by the Appellant in May 2021, which was rightly set aside by the POI. As per Respondent, the Appellant deliberately and intentionally did not appear before the POI, hence the case was rightly decided by the lower forum as per the law. The Respondent finally prayed for the dismissal of the appeal with special cost.

4. **Hearing**

Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 20.01.2024, wherein learned counsels appeared for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the Respondent defaulted in making payment of the bills, which resulted accumulation of arrears against which partial payments were made, whereas the remaining amount is adjusted in the billing account of the Respondent. Learned counsel for the Appellant further contended that the bill of May 2021 was debited to the Respondent as per actual consumption recorded by the meter, hence the impugned decision for cancellation of the said bill is illegal, unjustified and the same is liable to be struck down in the best interest of justice. On the contrary, learned counsel for the Respondent repudiated the versions of the learned counsel for the Appellant and averred that the dispute of arrears was settled between the parties, and the connection was restored by the Appellant in January 2021. Learned counsel for the Respondent further contended that the bills charged by the Appellant for February 2021 to April 2021 were paid by the Respondent, accordingly. As per learned counsel for the Respondent, the bill of Rs.146,165/- charged against 5,944 units in May 2021 is neither compatible with the consumption of the undisputed period before the dispute nor in line with the sanctioned load. Learned counsel finally for upholding the impugned decision and for cancellation of the above bill for May 2021. To verify the contention of the litigants, both the Appellant and the Respondent were directed to submit the bill of May 2021 showing the snapshot of the reading of the meter.

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

- 5.1 The Respondent disputed before the POI the bill of Rs.146,165/- against 5,944 units debited by the Appellant in May 2021, which was cancelled by the Appellant vide impugned ex-parte decision against which the Appellant filed the instant appeal before the NEPRA. In its Appeal,



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the Appellant submitted that the above bill was charged to the Respondent in May 2021 as per the meter reading.

- 5.2 It is observed that the Appellant neither appeared before the POI nor submitted the reply to the complaint before the said forum despite repeated notices, this shows their lack of interest in defending the disputed bill. The Appellant as well as the Respondent even failed to bring on record the disputed bill for May 2021 showing snapshot even after a lapse of considerable time. Under these circumstances, we have to analyze the billing statement of the Respondent to ascertain the justification of the bill for May 2021 in the below table:


A		B				C=A-B
Units already charged		Reading advanced by meter				Net units creditable
Month	Units	-	F	G	K=G-F	
Feb-21	0	Month	Feb-21	May-21	Difference	
Mar-21	728					
Apr-21	385					
May-21	5944					
Total	7,057	Reading	617740	623684	5,944	1,113


Examination of the above table transpires that total 7,057 units were charged from February 2021 to May 2021 by the Appellant to the Respondent, whereas total of 5,944 units were recorded by the meter of the Respondent during the said period. This clearly shows that 1,113 units were excessively charged by the Appellant from February 2021 to May 2021, which are liable to be credited in future bills.

6. In view of what has been stated above, it is concluded that the Respondent was excessively charged by the Appellant from February 2021 to May 2021, hence the Respondent be afforded credit of 1,113 units in the future bills.
7. The impugned decision is modified in the above terms.


Abid Hussain
Member/Advisor (CAD)

Dated: 29-05-2024


Naveed Illahi Sheikh
Convener/DG (CAD)


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

