



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

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No. NEPRA/Appeal/064/2022/ 436


May 10, 2024

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| 1. Manager Electrical,
M/s Paragon City Housing Society,
Barki Road Lahore At its Main Office 34-S,
Paragon City, Barki Road, Lahore
Cell No. 0308-4731183 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Syed Kashif Ali Bukhari,
Advocate High Court,
170-Ravi Park, Lahore
Cell No. 0300-4450697 | 4. Assistant Manager (Operation),
LESCO Ltd,
Barki 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.064/2022 (LESCO Vs. Manager Electrical, M/s. Paragon City Housing Society) Against the Decision Dated 19.04.2022 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 10.05.2024 (05 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.064/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Manager Electrical,

M/s. Paragon City Housing Society,

Main Office 34-S, Barki Road, Lahore

.....Respondent

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

For the Appellant:

Mr. Kashif Ali Bukhari Advocate

Mr. Atiq-ur-Rehman Steno-II

For the Respondent:

Mr. Muhammad Younas Manager Electrical

DECISION

1. Brief facts leading to the filing of instant appeal are that M/s. Paragon City Housing City (hereinafter referred to as the "Respondent") is a consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant"). Initially, a street light connection bearing Ref No.46-11546-0680000 with a sanctioned load of 05 kW having the applicable tariff category G-2 (the "first connection") was installed in the society for using electricity for street lights but the Respondent uses the electricity of the first connection for the residential purpose therefore, the first connection of the Respondent was disconnected by the Appellant in September 2020. Subsequently, another street connection bearing Ref No.46-11533-0780000 (the "impugned connection") was installed by the Appellant in November 2020 to supply electricity to the street lights of the Respondent. Reportedly, the billing meter of the impugned connection of the Respondent was found defective (burnt) in January 2021, therefore a detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 was debited to the Respondent @ 16,800 units per months recorded by the first connection

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and added to the bill for January 2021.

2. Being aggrieved, the Respondent filed an application dated 03.03.2021 before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the abovementioned detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 19.04.2022, wherein the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 was cancelled and the Appellant was directed to revise the detection bill for 5,913 units for three months on the basis for 50% load factor of the connected load i.e.5.4 kW.
3. Subject appeal has been filed against the afore-referred decision dated 19.04.2022 of the POI (the "impugned decision") by the Appellant before the NEPRA. In its appeal, the Appellant defended the charging of the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 and contended that the above bill was charged in accordance with law. The Appellant further contended that the impugned decision is against the law and facts of the case, the matter can only be decided by the Civil Court instead of POI. The Appellant submitted that the application has been filed with malafide intention and the Respondent has suppressed the facts to avoid the payment of the rightful electricity charges. The Appellant prayed that the impugned decision is liable to be set aside.

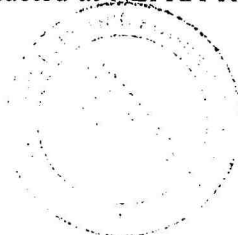
4. Proceedings by the Appellate Board

- 4.1 Upon filing of the instant appeal, a notice dated 15.06.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 22.06.2022. In his reply, the Respondent rebutted the version of the Appellant regarding misuse of electricity and contended that the impugned meter of the impugned connection was installed by the Appellant on 22.11.2020, which became defective (burnt out) due to heavy rainfall in December 2020. The Respondent further contended that the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 was debited by the Appellant based on the connected load i.e. 51 kW instead of the sanctioned load of 5.4 kW. As per Respondent, the allegation of the Appellant for shifting load has no basis as ten meters were installed to supply the electricity to the street lights. The Respondent defended the impugned decision and prayed for dismissal of the appeal upholding the same.

5. Hearing:

- 5.1 Hearing in the matter was conducted at NEPRA Regional office Lahore on 19.01.2024,
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wherein both the Appellant and the Respondent tendered appearance. Learned counsel for the Appellant contended that the Respondent was found using the electricity of the impugned connection for residential purposes and the meter of said connection was burnt by him with malafide intention to avoid the payment of bill as per consumed units. Learned counsel for the Appellant defended the charging of the impugned detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 and prayed for setting aside the impugned decision being void.

5.2 Conversely, the representative for the Respondent refuted the allegation of the Appellant regarding misuse of electricity and argued that if the impugned meter was burnt due to heavy load as to why the Appellant failed to produce the same before the POI for verification of the alleged discrepancy. He supported the impugned decision for cancellation of the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 and prayed for maintainability of the same.

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

6.1 Preliminary objection of the Appellant regarding jurisdiction of the POI:

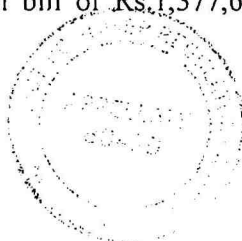
At first, the preliminary objection of the Appellant regarding the jurisdiction of the POI needs to be addressed. It is observed that the Respondent disputed the matter of irregular bill before the POI, who has exclusive jurisdiction to adjudicate the disputes of metering, billing, and collection of tariff under Section 38 of the NEPRA Act. In view of the foregoing, the objection of the Appellant is dismissed.

6.2 Detection bill of detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021:

Perusal of the consumption record shows that the impugned connection of the Respondent was installed by the Appellant on 22.11.2020 with a sanctioned load of 5 kW. Subsequently, the billing meter of the Respondent was found defective (burnt out) in January 2021, therefore a detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 was debited to the Respondent based on alleged connected load i.e. 51 kW, which was challenged before the POI.

6.3 It is observed that the Appellant neither produced the impugned meter before the POI for verification of alleged defectiveness nor could retrieve the data of the said meter. The Appellant though alleged misuse of electricity of the impugned connection of the Respondent but did not submit the documented evidence to substantiate their stance for charging the impugned detection bill of Rs.1,377,638/- against 51,196 units for three

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months for the period from November 2020 to January 2021. It is further observed that the impugned detection bill was worked out based on 51 kW connected load, however, to date the sanctioned load of the impugned connection is 5 kW. To further verify the contention of the Respondent regarding the impugned detection bill, the consumption data of the Respondent for the undisputed period is reproduced below:

Month	Units	Month	Units
Feb-21	2	Dec-21	1815
Mar-21	1288	Jan-22	1840
Apr-21	1318	Feb-22	1503
May-21	1219	Mar-22	1899
Jun-21	1023	Apr-22	1497
Jul-21	1207	May-22	1059
Aug-21	1235	Jun-22	1478
Sep-21	1614	Jul-22	1614
Oct-21	2403	Aug-22	1235
Nov-21	1824	-	-
Average	1,425 units		

From the above table, it is revealed that the consumption of the impugned connection of the Respondent recorded @ 1425 units per month during the undisputed period from February 2021 to August 2022, whereas the Appellant debited the detection bill @ 16,800 units per month for three months i.e. November 2020 to January 2021. This shows malafide on the part of the Appellant as such huge consumption is neither compatible with the sanctioned load of the Respondent nor the average consumption of the undisputed period from February 2021 to August 2022. Under these circumstances, we are inclined to agree with the impugned decision for cancellation of the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021.

6.4 The new connection was installed by the Appellant on 22.11.2020, hence the Respondent is liable to be charged the bills w.e.f 22.11.2020 (date of installation of the meter) and onwards till the date of replacement of the impugned meter as per 50% load factor of the connected load i.e.5.4 kW.

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

7.1 the detection bill of Rs.1,377,638/- against 51,196 units for three months for the period from November 2020 to January 2021 is unjustified and cancelled.

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- 7.2 The Respondent may be charged the revised bills w.e.f the date of new connection i.e. 22.11.2020 and onwards till the date of replacement of the impugned meter as per 50% load factor of the connected load i.e. 5.4 kW.
- 7.3 The billing account of the Respondent be overhauled after making adjustment of payments made against the impugned detection bill.
8. The impugned decision is modified in the above terms.

Abid Hussain
Member

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 10-05-2024

