



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

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No. NEPRA/Appeal/067/2022/ 437

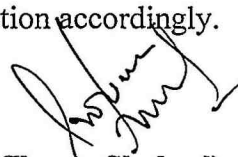
May 10, 2024

- |   |  |
|---|--|
| 1. M/s. Babar Medicine Company,<br>Through its Managing Partner,<br>Aslam Khan, Situated at Main PECO Road,<br>Lahore | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore  |
| 3. Mian Muhammad Javaid,<br>Advocate Supreme Court,<br>4-Link Farid Kot Road, Lahore<br>Cell No. 0300-4208513         | 4. A. D. Bhatti,<br>Advocate High Court,<br>Office No. 4, First Floor,<br>Rehmat Tower, 13-Fane Road,<br>Lahore<br>Cell No. 0300-9431653                 |
| 5. Assistant Manager (Operation),<br>LESCO Ltd,<br>Liaqat Abad Sub Division,<br>Lahore                                | 6. POI/Electric Inspector<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore |

Subject: **Appeal No.067/2022 (LESCO Vs. M/s. Babar Medicine Company) 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.067/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

M/s. Babar Medicine Company,  
Through its Managing Partner Aslam Khan,  
situated at main PECO Road, Lahore

.....Respondent

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

For the Appellant:

Mian Muhammad Javed Advocate

For the Respondent:

Mr. A.D Bhatti Advocate

### DECISION

1. Brief facts leading to the filing of instant appeal are that M/s. Babar Medicine Company (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. 24-11216-2102401-U with sanctioned load of 490 kW and the applicable Tariff category is A-2(C). The Respondent filed two complaints before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 22.11.2021 and 13.12.2021 challenged the bills of Rs. 2,999,598/- and Rs. 3,213,546/- charged in October 2021 and November 2021 respectively with the plea that excessive readings were charged by the Appellant in the said months.
2. During the joint checking dated 24.03.2022 of the POI, both the billing and backup meters of the Respondent were found working within BSS limits and the readings of the billing meter were noted as TL=14514.52, T2=12865.96, T1=1648.55, whereas the readings of the backup meter noted as TL=14505.53, T1=1719.36 and T2=12786.17, the joint checking report of the POI was signed by both parties without raising any objection. The

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matter was disposed of by the POI vide the decision dated 19.04.2022, wherein the bills of Rs.2,999,598/- and Rs.3,213,546/- charged in October 2021 and November 2021 respectively were cancelled. As per the POI decision, the Appellant was directed to charge the revised bills w.e.f October 2021 and onwards as per the actual meter reading recorded at the billing meter after dividing the total consumed units into the total number of months. The Appellant was further directed to overhaul the account of the Respondent and any excess amount recovered be adjusted in future bills.

3. Subject appeal has been filed against the afore-referred decision dated 19.04.2022 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 did not apply his independent and judicious mind while passing the impugned decision; that the POI passed the impugned decision on illegal assumptions and presumptions; that the Appellant has no personal grudge against the Respondent; that POI has not thrashed out the consisting reason in the matter; 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 *2015 MLD 1307*.

4. **Proceedings by the Appellate Board**

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 01.08.2022. In the reply, the Respondent prayed for dismissal of the appeal on the following grounds that the POI has carefully and properly adjudged the question of law and facts involved in the case and the Appellant has no reason to agitate the matter through the instant appeal which deserves rejection; that the Appellant failed to pinpoint any material illegality or jurisdictional defect, infirmity or perversity in the impugned decision; that the Appellant debited excessive bills, which are not in line with the snapshot of the meter reading; that the POI during joint checking dated 24.03.2022 observed that the both the billing and backup meters of the Respondent were found working within BSS limits and the readings of the billing meter were noted as TL=14514.52, T2=12865.96, T1=1648.55, whereas the readings of the backup meter noted as TL=14505.53, T1=1719.36 and T2=12786.17, therefore the Appellant has no right to challenge the impugned decision, which is completely in accordance with law, whereby

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the Appellants were directed to afford credit of units until already charged units; that the POI is the competent forum to adjudicate the instant matter pertains to the billing, metering and collection of tariff under Section 38 of the NEPRA Act; that the Appellant failed to fulfil the requirements as laid down in Chapter 6 of the CSM and committed serious illegalities while debiting the impugned bills.

### 5. Hearing

- 5.1 Hearing was fixed for 19.01.2024 at NEPRA Regional Office Lahore, wherein learned counsels appeared for both the Appellant and 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 impugned bills from October 2021 and November 2021 were debited to the Respondent as per the actual meter reading, which were paid by the Respondent without raising any objection, hence the Respondent has no locus standi to agitate the paid bills before the POI. As per learned counsel for the Appellant, the POI decided the fate of bills beyond the prayers of the Respondent, hence the impugned decision is liable to be struck down.
- 5.2 On the contrary, the learned counsel for the Respondent rebutted the version of the learned counsel for the Appellant and contended that the Appellant debited excessive billing, which is evident from the snapshot depicted in the bills. As per learned counsel for the Respondent the POI after correct perusal of the record and the witnessing of the meter readings decided the matter in accordance with facts and law. Learned counsel for the Respondent finally prayed for dismissal of the appeal being devoid of merits.

### 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 22.11.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 19.04.2022 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





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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 Bills for October 2021 and onwards:

The Respondent filed various complaints before POI and challenged the bills amounting to Rs.2,999,598/- and Rs.3,213,546/- charged in October 2021 and November 2021 respectively. During the joint checking dated 24.03.2022 of the POI, both the billing and backup meters of the Respondent were found working within BSS limits and the readings of the billing meter were noted as TL=14514.52, T2=12865.96, T1=1648.55, whereas the readings of the backup meter noted as TL=14505.53, T1=1719.36 and T2=12786.17, the joint checking report of the POI was signed by both parties without raising any objection. POI vide the decision dated 19.04.2022 cancelled the bills of Rs.2,999,598/- and Rs.3,213,546/- charged in October 2021 and November 2021 respectively. As per the POI decision, the Appellant was directed to charge the revised bills w.e.f October 2021 and onwards as per the actual meter reading recorded at the billing meter after dividing the total consumed units into the total number of months.

6.3 It is an admitted fact that the bills till September 2021 were charged as per meter reading, which were paid by the Respondent accordingly without raising any dispute, thereafter the bills for October 2021 and November 2021 were disputed by the Respondent before the POI, however, no adjustment was done by the Appellant to date.

6.4 In order to reach just conclusion, the consumption data of the Respondent as provided by the Appellant is compared below with the reading noted by the POI during joint checking dated 24.03.2022:

Reading	Off-peak	Peak
Bill of Feb-2022	16865	1637
POI joint checking dated 24.03.2022	12866	1648
Difference	3,999	-

The above comparison of the consumption data shows that the Appellant debited the bills with the off-peak reading index of 16865 noted in February 2022, whereas the reading of the meter of the Respondent was noted as 12865 during the subsequent joint checking dated 24.03.2022 of POI, the said checking report was signed by both parties without raising any

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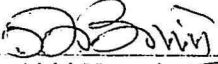






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objection. This whole scenario indicates that the Appellant debited the excessive bills with fictitious readings till February 2022, therefore the Respondent may be afforded credit/ adjustment of units in the future bills as per the reading noted during the POI joint checking dated 24.03.2022.

7. Foregoing in view, the appeal is dismissed.

  
Abid Hussain  
Member/Advisor (CAD)

  
Naveed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 10-05-2024

