



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

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No. NEPRA/Appeal/078/2022/ 447

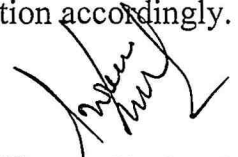
May 13, 2024

1. Ms. Attya Yasmeen,  
D/o. Muhammad Ilyas,  
R/o. House No. 70, Street No. 55,  
Toheed Abad, Ravi Road,  
Lahore  
Cell No. 0336-4854267,  
0336-4854266,  
0305-4321831
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Mian Muhammad Javaid,  
Advocate Supreme Court,  
4-Link Farid Kot Road,  
Lahore  
Cell No. 0300-4208513
4. Assistant Manager (Operation),  
LESCO Ltd,  
Qilla Muhammadi 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.078/2022 (LESCO Vs. Ms. Attya Yasmeen) Against the Decision Dated 12.04.2022 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 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.078/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ms. Attia Yasmeen D/o. Muhammad Ilyas,  
Resident of House No.70, Street No.55, Toheed Abad,  
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:

Mian Muhammad Javed Advocate

For the Respondent:

Ms. Attia Yasmeen

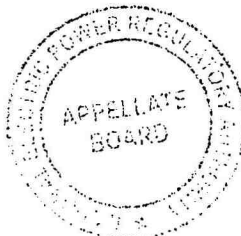
### **DECISION**

1. As per the facts of the case, Ms. Attia Yasmeen (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.14-111411170601-U having a sanctioned load of 01 kW and the applicable tariff category is A-1. The Respondent approached the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 23.01.2019, wherein the arrears of Rs.291,059/- charged till June 2018 were challenged. POI vide its decision dated 22.07.2020 (the "first decision") wherein the Appellant was directed to charge 5,431 units after due segregation of the units over the period from October 2016 to May 2018 and overhaul the billing account of the Respondent, accordingly.
2. Subsequently, the Respondent filed another complaint dated 21.09.2021 before the POI and challenged the arrears of Rs.252,295/- reflected in the bill for August 2021, which were cancelled by the POI vide decision dated 12.04.2022 (hereinafter referred to as the "impugned decision"). As per the impugned decision, the Appellant was directed to overhaul the billing account of the Respondent as per the first decision, and any excess amount recovered be adjusted in future bills.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the impugned decision dated 12.04.2022 of the POI. In its appeal, the Appellant opposed the

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maintainability of 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 judicious mind and passed the impugned decision on illegal assumptions and presumptions; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of the Electricity Act, 1910; and that the impugned decision is liable to be set aside.

4. Notice dated 24.06.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 02.08.2022. In the reply, the Respondent contended that the POI vide impugned decision directed the Appellant to implement its first decision dated 24.07.2020; that the impugned decision is in accordance with facts and law and the same is liable to be maintained.

### 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 arrears of Rs.252,295/- added to the bill for August 2021 are justified and payable by the Respondent. Learned counsel for the Appellant further contended that the POI without consideration of facts and perusal of consumption record rendered the impugned decision. As per learned counsel for the Appellant, the impugned decision is liable to be set aside in the best interest of justice and the Appellant be allowed for recovery of the impugned arrears.

5.2 On the contrary, the Respondent submitted that the bill of March 2021 charged by the Appellant was paid, accordingly, thereafter the Appellant raised the irregular bills w.e.f. April 2021 and onwards, and due to non-payment of arrears, the electricity of the premises was disconnected on 13.05.2021. As per Respondent, the Appellant did not implement the first decision of the POI due to which arrears accumulated to the tune of Rs.252,295/- till August 2021. The Respondent finally prayed for upholding the impugned decision and for the dismissal of the appeal being devoid of merits.

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

6.1 While addressing the objection of the Appellant regarding the jurisdiction of the POI, the Respondent filed his complaint before the POI under Section 38 of the NEPRA Act. POI pronounced its decision on 12.04.2022 i.e. after ninety (90) days 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



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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 *2017 PLJ 627 Lahore* and *2017 PLJ 309 Lahore*. Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

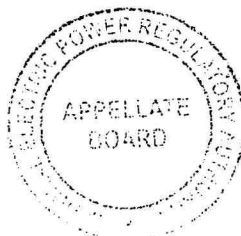
6.2 As per the available record, the Respondent impugned the arrears of Rs.252,439/- before the POI, details of which are given as under:

Month	Units	Arrears	Current bill	Detection	FPA	LPS	Total	Adjustment	Net	Status
Apr-21	397	204103	7583.43	0	136.57	635	212458	0	212458	Active
May-21	544	212458	11351	0	0	0	223809	78070	145739	Active
Jun-21	171	145739	1897.13	0	-206.13	952	148382	0	148382	Active
Jul-21	0	148382	131.99	0	-170.99	156	148499	0	148499	Same Read
Aug-21	3337	148499	131.55	103657	0	7	252295	0	252295	Same Read

The above table shows that the Appellant included the deferred arrears of Rs.204,103/- in the bill for April 2021, thereafter the Appellant afforded a rebate of Rs.78,070/- against the arrears of Rs.204,103/-. This whole scenario indicates that the Appellant afforded relief to the Respondent according to the first decision of the POI, wherein the Appellant was directed to segregate 5,431 units from October 2016 to May 2018 and refund the amount, accordingly. Thus, the Respondent is liable to pay the remaining arrears as per the detail given below:

Arrears		
Debited (Rs.)	Credited (Rs.)	Net (Rs.)
204103/-	78070/-	126033/-

6.3 As evident from the above table, the bills for the period from April 2021 to June 2021 were charged to the Respondent as per the reading recorded by the meter with active status. The Respondent did not provide any documentary evidence that the premises remained vacant during the disputed period from April 2021 to August 2021. Thus, the regular bills for the period from April 2021 to June 2021 charged to the Respondent are justified and payable by the Respondent.



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6.4 Similarly, the Appellant did not provide any document i.e. checking report, detection proforma notice, etc. to substantiate their stance with regard to charging the detection bill of Rs.103,657/- against 3,357 units in August 2021. Hence we are of the considered view that the detection bill of Rs.103,657/- charged to the Respondent is unjustified and the same is liable to be cancelled.

6.5 Since nil consumption was charged during the months of July 2021 and August 2021, hence the Respondent is liable to be charged the revised bills for 557 units and 654 units for July 2021 and August 2021 respectively as per consumption of July 2020 and August 2020. 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 detection bill of Rs.103,657/- against 3,357 units charged to the Respondent in August 2021 is unjustified and the same is cancelled.

7.2 Following bills are recoverable from the Respondent being justified:


- i. Arrears of Rs.126,033/- pertain to the period from October 2016 to May 2018.
- ii. Bill of Rs.7,583/- against 397 units charged in April 2021.
- iii. Bill of Rs.11,351/- for 544 units charged in May 2021.
- iv. Bill of Rs.1,897/- for 171 units charged in June 2021
- v. Bill of 557 units for July 2021.
- vi. Bill of 654 units for August 2021.


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

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

