



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

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No. NEPRA/Appeal/093/2023/441

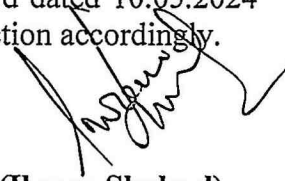
May 10, 2024

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|--|---|
| 1. Mr. Taha,
S/o. Sajid Mehmood, (Moon Bakers),
R/o. House No. 225, Block-C,
Gulshan-e-Ravi, Lahore
Cell No. 0322-4509405 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
Cell No. 0300-4350899
0333-4350899 | 4. Assistant Manager (Operation),
LESCO Ltd,
Gulshan-e-Ravi 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.093/2023 (LESCO Vs. Mr. Taha) Against the Decision Dated 04.07.2023 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 (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.093/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mr. Taha S/o. Sajid Mehmood, M/s. Moon Bakers,
R/o. House No.225, Block-C, Gulshan-e-Ravi, Lahore

.....Respondent

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

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Mr. Taha

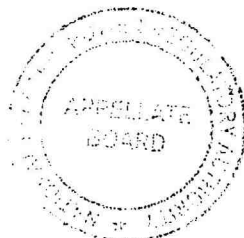
DECISION

1. Brief facts leading to the filing of instant appeal are that M/s. Moon Bakers (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. 24-11112-9906000-U with sanctioned load of 30 kW and the applicable Tariff category is A-2(C). The Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 22.10.2021 and challenged the bill of Rs.1,211,591/- charged against 38,840 units by the Appellant in September 2021 with the plea that excessive readings were charged by the Appellant in the said month.
2. During the joint checking dated 08.03.2022 of the POI, both the billing and backup meters of the Respondent were found working within BSS limits and the reading of the billing meter was noted as TL=36873x20, whereas the reading of the backup meter was noted as TL=731637x1, however a black spot found on the display of the billing meter, the joint checking report of the POI was signed by both parties without raising any objection. The matter was disposed of by the POI vide the decision dated 04.07.2023,

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wherein the bill of Rs.1,211,591/- charged against 38,840 units by the Appellant in September 2021 was cancelled. As per the POI decision, the Appellant was directed to charge the revised bills w.e.f September 2021 and onwards as per the actual meter reading recorded at the billing meter. The Appellant was further directed to the new meter and 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 04.07.2023 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 misconceived and misconstrued the real facts of the case while passing the impugned decision; that the bill of Rs.1,211,591/- charged for 38,840 units in September 2021 is quite legal, valid and the Respondent is under obligation to pay the same; that the POI neither recorded evidence nor perused the relevant record/consumption data in true perspective and decided the petition on mere surmises and conjectures; 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 2006 YLR Page 2612 and that the impugned decision is liable to be set aside.

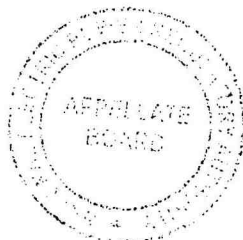
4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 04.10.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

5. **Hearing**

- 5.1 Hearing was fixed for 20.01.2024 at NEPRA Regional Office Lahore, wherein learned counsel appeared for the Appellant and a representative tendered appearance for 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 bill for September 2021 was debited to the Respondent as per the actual meter reading, which was paid by him without raising any objection, hence the Respondent has no locus standi to agitated the paid bills before the POI. As per learned counsel for the Appellant, the POI decided the fate of the bill beyond the prayers of the Respondent, hence the

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impugned decision is liable to be struck down.

- 5.2 On the contrary, the representative for the Respondent rebutted the version of the learned counsel for the Appellant and contended that the Appellant debited excessive billing in September 2021, which is evident from the snapshot depicted in the said bill. As per representative 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:

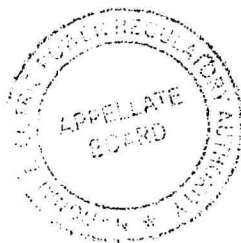
6.1 Objection regarding the time limit for POI to decide the complaint:

As per the record, the Respondent filed his complaint before the POI on 22.10.2021 under Section 38 of the NEPRA Act. POI pronounced its decision on 04.07.2023 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 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 Bill for September 2021:

The Respondent filed a complaint before POI and challenged the bill of September 2021. During the joint checking dated 08.03.2022 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=36873, T2=7023, T1=29750, whereas the readings of the backup meter noted as TL=731637, the joint checking report of the POI was signed by both parties without raising any objection. POI vide the decision dated 04.07.2023 cancelled the bill of September 2021. As per the POI decision, the Appellant was directed to charge the revised bills w.e.f September 2021 and onwards as per the actual meter reading recorded at the billing meter.

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

- 6.3 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 08.03.2022:

Reading	Feb-22	POI checking dated 08.03.2022
Off-peak	29960	29750

The above comparison of the consumption data shows that the Appellant debited the bills with the off-peak reading index of 29960 noted in February 2022, whereas the off-peak reading of the meter of the Respondent was noted as 29750 during the subsequent joint checking dated 08.03.2022 of POI, the said checking report was signed by both parties without raising any 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 08.03.2022.

7. Foregoing in view, we do not find any reason to interfere with the impugned decision, the same is upheld and consequently, the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 10-05-2024

