



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

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No. NEPRA/Appeal/094/2022/578

May 29, 2024

- |  |  |
|--|--|
| 1. Ashfaq Ahmad,<br>S/o. Ghulam Rasool,<br>R/o. Miraj Park, Begum Kot,<br>Lahore   | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore                  |
| 3. Ch. Aamir Shahzad,<br>Advocate High Court,<br>Saleh Building, Behind Punjab Bar Council,<br>9-Fane Road, Lahore<br>Cell No. 0300-4466457              | 4. Assistant Manager (Operation),<br>LESCO Ltd,<br>Kot Abdul Malik Sub Division,<br>Lahore |
| 5. 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.094/2022 (LESCO Vs. Ashfaq Ahmad) Against the Decision Dated 12.01.2021 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 (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 Nos.094/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ashfaq Ahmad S/o. Ghulam Rasool,  
R/o. Miraj Park, Begum Kot, Lahore

.....Respondent

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

For the Appellant:

Ch. Aamir Shahzad Advocate

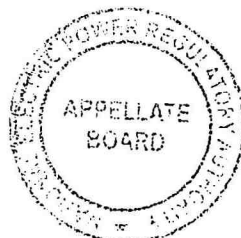
For the Respondent:

Nemo

## DECISION

1. Through this decision, the appeal filed by the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 12.01.2021 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Ashfaq Ahmed (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.02-11161-0448300-R with sanctioned load of 1 kW and the applicable Tariff category is A-1(a). As per the billing record, the meter of the Respondent became defective in October 2018 and it was replaced with a new meter in December 2018. Subsequently, the removed meter of the Respondent was checked by the Metering & Testing ("M&T") team of the Appellant on 22.11.2019, wherein, 4,004 units were found uncharged. Resultantly, a detection bill of Rs.110,298/- against 4,004 units was debited to the Respondent due to the difference of readings between the units already charged and the final reading of the impugned meter and added to the bill for December 2019.

Appeal No. 094/POI-2022



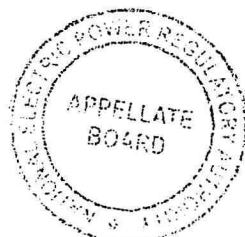
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3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 12.01.2021 on Ex-parte, wherein the detection bill of Rs.110,298/- against 4,004 units was cancelled.
4. The Appellant filed instant appeal before the NEPRA against the afore-referred decision of the POI, which was registered as Appeal No.094/POI-2022. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the detection bill of Rs.110,298/- against 4,004 units was debited to the Respondent due to the difference in readings between the units already charged and the final retrieved reading of the removed meter; that the POI did not apply his independent and judicious mind while passing the impugned decision; that the impugned decision is against the settled principle law; that the POI passed the impugned decision without perusing the record; that the impugned decision was announced after expiry of 90 days, which is not sustainable under the law, reliance in this regard is placed on the judgment reported as 2015 MLD 1307.
5. **Proceedings by the Appellate Board**  
Upon filing of the instant appeal, a notice dated 07.09.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
6. **Hearing**  
Hearing of the subject appeals was conducted at NEPRA Regional Office Lahore on 01.03.2024, which was attended by the counsel for the Appellant, whereas no one tendered appearance for the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective, therefore it was replaced with a new meter and sent for data retrieval. Learned counsel for the Appellant further contended that 4,004 units were found uncharged in the impugned meter, therefore a detection bill amounting to Rs.110,298/- against 4,004 units was debited to the Respondent due to the difference of units already charged and the final retrieved reading of the impugned meter to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI without providing opportunity of hearing to the Appellant. Learned counsel for the Appellant finally prayed that the impugned decision is liable to be set aside.





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

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

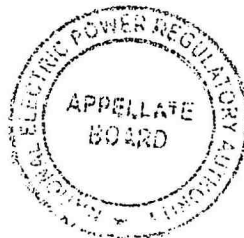
As per the record, the Respondent filed his complaint before the POI under Section 38 of the NEPRA Act. POI pronounced its decision on 12.01.2021 after the expiry of 90 days from the date of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days 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.

7.2 Detection bill of Rs.110,298/- for 4,004 units:

In the instant case, the Appellant claimed that M&T on 22.11.2019 detected that the impugned meter of the Respondent was found defective and 4,004 units were found uncharged. Thereafter, the Appellant debited a detection bill of Rs.110,298/- against 4,004 units to the Respondent, which was challenged before the POI, which was cancelled on Ex-parte.

7.3 In the instant appeal, the Appellant prayed for setting aside the ex-parte decision and remanding back the matter to POI for redetermination. In this regard, the decision of the POI was pursued, which revealed that several opportunities of hearings as well as for submission of reply were afforded by the lower forum to the Appellant but they neither submitted reply nor appeared before the POI to defend the charging of the impugned detection bill. Hence, the pleading of the Appellant for remanding back the matter has no force and dismissed. The fate of the impugned detection bill will be determined based on available record and consideration of arguments adduced by the Appellant in their defense.

7.4 On merits, it is observed that the Appellant charged the above detection bill based on the data retrieval report but the said checking was neither carried out in the presence of the Respondent nor said impugned meter was checked by the POI being competent forum. To further ascertain the justification of the above detection bill, the consumption pattern is examined in the table below:



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Period	Normal units/month	Detection units/month
Oct-2018 to Dec-2018	=556+347+ 293= <b>1,196 units</b>	4,004
Oct-2019 to Dec-2019	= 878+339+181 = <b>1398 units</b>	

The above consumption analysis shows that the Respondent was charged 1,196 units during the disputed period from October 2018 to December 2018, which are less than the total consumption recorded in the corresponding months of the succeeding year. However, the detection bill for 4,004 units on account of alleged defectiveness debited to the Respondent are much higher than the total consumption of the corresponding months of the year 2019. Therefore, we are inclined to agree with the determination of the POI for the cancellation of the above detection bill.

7.5 Since the impugned meter was active till September 2018 and became defective w.e.f October 2018 and onwards, therefore, the Respondent is liable to be charged the revised bills w.e.f October 2018 and onwards till the replacement of the impugned meter on DEF-EST code as per Clause 4.4(e) of the CSM-2010. The impugned decision is liable to be modified to this extent.

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

8.1 the detection bill of Rs.110,298/- against 4,004 units charged to the Respondent is unjustified and the same is cancelled.

8.2 the Respondent may be charged the revised bills w.e.f October 2018 and onwards till the replacement of the impugned meter on DEF-EST code as per Clause 4.4(e) of the CSM-2010.

8.3 The billing account of the Respondent be overhauled, accordingly.

9. Impugned decision is modified in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 29-05-2024

