



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/114/2022/ 439


May 10, 2024

1. Waseem Ullah Waraich,  
S/o. Sana Ullah,  
R/o. House No. 6-B,  
Mohallah A. M. Studio, Shiblli Town,  
Bund Road, Lahore
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,  
Sanda 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.114/2022 (LESCO Vs. Waseem Ullah Warraich) Against the Decision Dated 29.03.2022 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 (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.114/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Waseem Ullah Waraich S/o. Sanaullah,  
R/o. House No.6-B, Mohallah A.M Studio,  
Shibli Town, Bund Road, Lahore

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997**

For the Appellant:

Syed Kashif Ali Bukhari Advocate

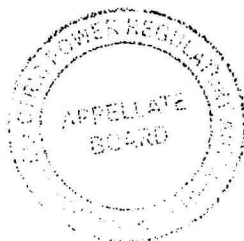
For the Respondent:

Nemo

### **DECISION**

1. Brief facts of the case are that Mr. Waseemullah Waraich (hereinafter referred to as the "Respondent") is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.46-11111-1422401-U having sanctioned load of 04 kW and the applicable tariff category is B-1(b). Metering equipment of the Respondent was checked by the M&T team of the Appellant on 14.07.2021 and reportedly the billing meter was found 66% slow due to two phases being dead. Resultantly, a detection bill of 4,834 units was debited to the Respondent along with the bill for July 2021 with enhanced MF=3 due to 66% slowness of the meter. Subsequently, the impugned meter with OP 30132+P=4671 reading index was replaced with a new meter by the Appellant in January 2022.
2. Being aggrieved with the abovementioned action of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the impugned arrears of Rs.118,898/-. Despite repeated notices, the Appellant neither submitted the reply nor appeared before the POI to defend the charging of impugned arrears, hence the matter was decided by POI vide decision dated 29.03.2022 on Ex-parte and the arrears of Rs.118,898/- were declared null and void.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 29.03.2022 of the POI (hereinafter referred to as the "impugned decision"). in

11/6/22





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its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the POI misconstrued the real facts of the case and law applicable on the subject; that the application has been filed with malafide intention; that the POI given extraordinary relief to the Respondent; and that the impugned decision is liable to be set aside.

4. Notice dated 18.10.2022 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

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 no one tendered appearance for the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found 66% slow due to two phases being dead during M&T checking dated 14.07.2021, therefore a detection bill against 4,834 units was debited to the Respondent. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the arrears of Rs.118,898/- as null and void. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.

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

6.1 As per the available record, the billing meter of the Respondent was found 66% slow due to two dead phases during checking dated 14.07.2021. Therefore, the Appellant charged a detection bill of 4,834 units to the Respondent due to 66% slowness of the meter and MF was raised from 1 to 3 w.e.f July 2021 and onwards. Subsequently, the impugned meter of the Respondent was replaced with a new meter by the Appellant in January 2022.

6.2 Since the matter was decided was POI on Ex-parte basis and the arrears of Rs.118,898/- were cancelled by the said forum against which the Appellant preferred the instant appeal before the NEPRA. To reach just conclusion, the fate of bills for the period from July 2021 to January 2022 and the detection bill of 4,834 units charged by the Appellant will be determined in the below paras separately.

6.3 Bills from July 2021 to January 2022:

The bills for the period from July 2021 to January 2022 already charged by the Appellant to the Respondent are compared below with the units calculated with enhanced MF=3 as per the readings advanced from June 2021 to January 2022:



11.02



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Month	Units charged by Appellant		
	Debited	Credited	Net charged
Jul-21	10422	0	10422
Aug-21	4410	9000	-4590
Sep-21	0	3000	-3000
Oct-21	0	0	0
Nov-21	0	0	0
Dec-21	0	0	0
Jan-22	0	0	0
Total	14832	12000	2832

Units calculated with enhanced MF=3					
Month	A	B	C=B-A	D	E=CxD
Reading	Jun-21	Jan-22	Difference	MF	Net chargeable units
Off-peak	29383	30132	749	3	2247
Peak	4486	4671	185	3	555
Total	33869	34803	934		2802

The above comparison of the consumption data shows that the units already charged by the Appellant from July 2021 to January 2022 are equivalent to the units assessed with enhanced MF=3, hence the Respondent is liable to pay the bills with enhanced MF=3 charged from July 2021 to January 2022 due to 66% slowness of the meter being consistent with Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.

#### 6.4 Detection bill of 4,834 units debited due to 66% slowness of the meter:

According to Clause 4.3.3c(ii) of the CSM-2021, the Appellant is empowered to recover their revenue loss by debiting the detection bill maximum for two months in case of slowness of the metering equipment. The Appellant debited the detection bill of 4,834 units to the Respondent due to 66% slowness of the meter, however, the Appellant neither provided detection proforma nor could explain the justification of the impugned detection bill. Hence the detection bill of 4,834 units charged to the Respondent is unjustified being contrary to Clause 4.3.3c(ii) of the CSM-2021 and the same is liable to be cancelled.

#### 6.5 66% slowness in the impugned billing meter of the Respondent was observed by the M&T team of the Appellant on 14.07.2021, therefore, the Respondent is liable to be charged the revised detection bill for two billing cycles prior to checking dated 14.07.2021 after adding 66% slowness, according to Clause 4.3.3c(ii) of the CSM-2021.

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

##### 7.1 the detection bill of 4,834 units debited to the Respondent is unjustified and the same is cancelled.





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- 7.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 14.07.2021 after adding 66% slowness, according to Clause 4.3.3c(ii) of the CSM-2021.
- 7.3 However, the bills already charged with enhanced MF=3 w.e.f July 2021 and onwards till the replacement of the impugned meter in January 2022 due to 66% slowness of the meter are justified being consistent with Clause 4.3.3c(i) of the CSM-2021.
- 7.4 The billing account of the Respondent be overhauled after making the adjustment of payments made against the impugned detection bill.
8. The impugned decision is modified in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Dated: 10-05-2024

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

