



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

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No. NEPRA/Appeal/118/2023/443

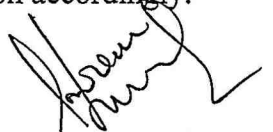
May 10, 2024

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|---|---|
| 1. M/s. N.F.C Employees Co-operative Housing Society Ltd,
Through its Secretary,
Mr. Mumtaz Hussain Baloch,
Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Mian Muhammad Iqbal,
Advocate High Court,
4-Link Farid Kot Road,
Lahore
Cell No. 0324-9409540 | 4. A. D. Bhatti,
Advocate High Court,
Office No. 4, First Floor,
Rehmat Tower, 13-Fane Road,
Lahore
Cell No. 0300-9431653 |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Engineering Town Sub Division,
Lahore | 6. POI/Electric Inspector
Lahore Region-II, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: Appeal No.118/2023 (LESCO Vs. M/s. N.F.C Employees Co-operative Housing Society Ltd.) Against the Decision Dated 28.08.2023 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-II, 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.118/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

M/s. NFC Employees Cooperative Housing Society,
Through its Secretary Mumtaz Hussain Baloch, Lahore

.....Respondent

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

For the Appellant:

Mian Muhammad Iqbal Advocate

For the Respondent:

Mr. A.D Bhatti Advocate

DECISION

1. Brief facts leading to the filing of instant appeal are that M/s. NFC Employees Cooperative Housing Society (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.24-11218-0323535-U with sanctioned load of 60 kW and the applicable Tariff category is B-2(b). The Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") on 13.12.2022 and challenged the bills w.e.f August 2021 and onwards. The Respondent prayed for correction of the above bills as per the actual meter reading.
2. During the joint checking dated 20.07.2023 of the POI, the readings of the billing meter No.L-212636 of the Respondent were recorded as $T_L=51692.53$, $T_1=8052.77$ & $T_2=43639.77$. The matter was disposed of by the POI vide the decision dated 28.08.2023, the operative portion of which is reproduced below:

"Summing up the foregoing discussion, the respondents are directed to charge zero peak and off-peak units until already charged units at reading index i.e. 8088 & 46424 respectively meet with actual meter reading, overhaul the account of the petitioner accordingly, and any excess amount recovered be adjusted in future bills. The petition is disposed of in the above terms."





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3. Subject appeal has been filed against the afore-referred decision dated 28.08.2023 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 did not apply his independent and judicious mind while passing the impugned decision; that the Appellant has no personal grudge or grouse against the Respondent to issue any excessive bill to the Respondent; that the POI has exclusive jurisdiction over the matter, reliance in this regard is placed on the judgment cited 2012 PLD 2012 SC 371; that the POI failed to decide the matter within 90 days; and that the impugned decision may be set aside.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 14.12.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 19.01.2024. 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 inline with the snapshot of the meter reading; that the POI during joint checking dated 20.07.2023 observed the readings of the meter which was not rebutted by the Appellant, therefore the Appellant has no right to challenge the impugned decision, which is completely in accordance with law; 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 20.01.2024 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 August 2021 and onwards 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





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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 Preliminary objection of the Appellant regarding jurisdiction of the POI:

At first, the preliminary objection of the Appellant regarding the jurisdiction of the POI needs to be addressed. It is observed that the Respondent disputed the matter of irregular bill before the POI, who has exclusive jurisdiction to adjudicate the disputes of metering, billing, and collection of tariff under Section 38 of the NEPRA Act. In view of the foregoing, the objection of the Appellant is dismissed.

6.2 Bills for the period from August 2021 and onwards:

It is an admitted fact that the bills till July 2021 were charged as per meter reading, which were paid by the Respondent accordingly without raising any dispute, thereafter the bills w.e.f August 2021 and onwards were disputed by the Respondent before the POI, however, no adjustment was done by the Appellant to date. 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 20.07.2023:

A	Reading noted	B	Reading charged
POI checking dated 20.07.2023	51692	Jul-23	54512
Jul-21	29508	Jul-21	29508
Difference	22184	Difference	25004

The above comparison of the consumption data shows that the Appellant debited the bills with the reading index of 54512 till July 2023, whereas the total reading of the meter of the Respondent was noted as 51692.54 during the joint checking dated 20.07.2023 of POI. This whole scenario indicates that the Appellant debited the excessive bills with fictitious

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readings till July 2023, 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 20.07.2023.

7. Foregoing in view, 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