



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

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No. NEPRA/Appeal/125/2021/ 444

May 13, 2024

1. Qurban Ali,
S/o. Abdul Aziz,
R/o. Karbath, Tehsil Lahore Cantt,
Lahore
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Ch. Abdul Waheed,
Advocate High Court,
121-Alflah Town,
Bedian Road, Lahore Cantt
Cell No. 0321-4166309
4. Assistant Manager (Operation),
LESCO Ltd,
Bedian Roan 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.125/2021 (LESCO Vs. Qurban Ali) Against the Decision Dated 29.06.2021 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 13.05.2024 (03 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.125/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Qurban Ali S/o. Abdul Aziz, R/o. Karbath,
Tehsil Lahore Cantt, Lahore

.....Respondent

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

For the Appellant:

Ch. Abdul Waheed Advocate
Mr. Muhammad Usman Ashraf

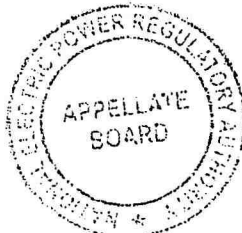
For the Respondent:

Nemo

DECISION

1. Brief facts of the case are that Qurban Ali (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.06-11563-0468308-R having sanctioned load of 02 kW and the applicable tariff category is A-1(a). The Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the bill of Rs.71,291/- against 3,181 units debited by the Appellant in November 2020. The matter was decided by POI vide decision dated 29.06.2021, wherein the bill of Rs.71,291/- against 3,181 units was declared null and void and the Appellant was allowed to charge the revised bills w.e.f November 2020 and onwards as per consumption of corresponding month of the preceding year.
2. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 29.06.2021 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the arrears of Rs.98,723/- were charged to the Respondent in November 2020 as per actual consumption recorded by the meter, which contained the bills of September 2020 and October 2020; that the Respondent has availed a compensation of Rs.35,282/- in the month of December 2020 by applying process of segregation; that the bill for November 2020 has lawfully been issued; that the impugned decision is against the facts

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and law; that the POI has overlooked the actual consumption of the Respondent and passed the impugned decision on conjectures and surmises; and that the same is liable to be set aside.

3. Notice dated 17.11.2021 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

4. **Hearing**

Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 20.01.2024, wherein learned counsel appeared for the Appellant and no one tendered appearance for the Respondent. Learned counsel for the Appellant contended that the arrears of Rs.98,723/- pertaining to the bills for the period from September 2020 to November 2020 against which the Respondent was afforded a rebate of Rs.35,282/- in the month of December 2020 after the due segregation. Learned counsel for the Appellant defended the charging of the bill of 3,181 units debited in November 2020 and prayed to allow the same being justified. In support of his contention, learned counsel for the Appellant submitted the billing statement of the Respondent.

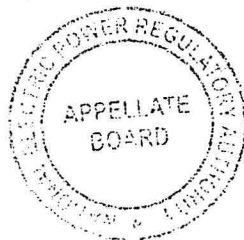
5. Having heard the arguments and record perused. Following are our observations:

5.1 The Respondent disputed before the POI the bill of Rs.71,291/- against 3,181 units debited by the Appellant in November 2020, which was cancelled by the Appellant vide impugned decision against which the Appellant filed the instant appeal before the NEPRA. In its Appeal, the Appellant submitted that the above bill was charged to the Respondent in November 2020 as per meter reading and the Respondent was afforded credit of Rs.35,282/- in December 2020 after due segregation of units.

5.2 The Appellant did not produce the impugned meter before the POI for checking and verification of readings. On the other hand, the Respondent even neither appeared before the NEPRA nor submitted reply to the appeal despite repeated notices to oppose the charging of the impugned bill. Under these circumstances, the billing history of the Respondent as provided by the Appellant is placed below:

Old Meter		Disputed meter	
Month	Units	Month	Units
Feb-19	14	Feb-20	4
Mar-19	21	Mar-20	30
Apr-19	11	Apr-20	38
May-19	19	May-20	225
Jun-19	26	Jun-20	94
Jul-19	58	Jul-20	0
Aug-19	65	Aug-20	44
Sep-19	57	Sep-20	355

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Oct-19	28	Oct-20	100
Nov-19	28	Nov-20	3181
Total	327	Total	4071

Examination of the consumption data reveals that total 4,071 units were charged from February 2020 to November 2020 by the Appellant on the impugned meter, whereas total of 327 units were recorded by the old meter of the Respondent during the corresponding period before the dispute. There is no force in the plea of the Appellant that the bill for November 2020 was charged as per the meter reading. The Appellant even did not submit the bill of November 2020 showing the snapshot of meter reading advanced to the tune of 4,071. The Appellant debited the bill of November 2020 against 3,181 units to the Respondent, which has never been recorded in the billing history of the Respondent. Hence, we are inclined to agree with the determination of the POI for cancellation of the bill of Rs.71,291/- against 3,181 units debited in November 2020.

5.3 Similarly, the determination of POI for revision of the bills from November 2020 and onwards as per consumption of corresponding months of the year 2019 is not correct as the old meter was defective in November 2019. Therefore impugned decision to this extent is liable to be withdrawn.

5.4 The Respondent is liable to be charged the revised bill of November 2020 against 292 units assessed based on 20% load factor of the sanctioned load i.e. 2 kW. The impugned decision is liable to be modified to this extent.


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

6.1 The bill of Rs.71,291/- against 3,181 units debited to the Respondent in November 2020 and the credit of Rs.35,282/- afforded in December 2020 are unjustified and the same are cancelled.

6.2 The Respondent may be charged the bill against 292 units for November 2020 as per 20% load factor of the sanctioned load i.e. 2 kW.


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


7. The impugned decision is modified in the above terms.


Abid Hussain
Member/Advisor (CAD)

Dated: 13-05-2024

Appeal No.125/POI-2021


Naweed Illahi Sheikh
Convener/DG (CAD)


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

