



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

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No. NEPRA/Appeal/109/2022/ 52/

June 06, 2024

1. Mesam Ali,  
S/o. Abid Ali,  
R/o. E-16 + 19, Shoe Market,  
Near Fawara, Shah Alam Gate,  
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,  
LESCO Ltd,  
Shah Alam Gate 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.109/2022 (LESCO Vs. Mesam Ali) Against the Decision Dated 19.04.2022 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 06.06.2024 (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.109/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Meesam Ali S/o. Abid Ali

R/o: E-16+ 19, Shoe Market, Near Fawara, Shah Alam Gate, 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:

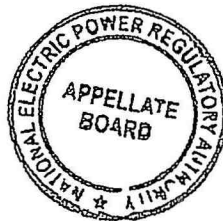
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## DECISION

1. As per the facts of the case, Meesam Ali (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.44-11145-06001514 having a sanctioned load of 05 kW and the applicable tariff category is A-2(c). Reportedly, the display of the billing meter of the Respondent was found defective in September 2019, hence it was replaced with a new meter by the Appellant in February 2020. Meanwhile, a detection bill of Rs. 321,290/- against 12,332 units for three months i.e. September 2019 to November 2019 was debited to the Respondent based on healthy consumption of August 2018 and added to the bill for December 2019.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 03.12.2021 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 19.04.2022, wherein it was held that the detection bill of Rs. 321,290/- is void, unjustified and of no legal effect and the Appellant is allowed to charge revised bills w.e.f. October 2019 and onwards till the replacement of the impugned meter as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher.

Appeal No.109/POI-2022

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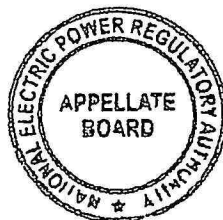


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## National Electric Power Regulatory Authority

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 19.04.2022 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 detection bill of Rs. 321,290/- against 12332 units for three months i.e. September 2019 to November 2019 was charged to the Respondent in accordance with law and the dispute can only be adjudicated by the civil court; that the POI misconceived and misconstrued the real facts of the case and afforded relief beyond the prayer of the Respondent; that no notice was given by the Respondent before approaching the POI 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:**  
Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 01.03.2024 wherein learned counsel appeared for the Appellant and the Respondent did not tender appearance. Learned counsel for the Appellant contended that the display of the billing meter of the Respondent was found vanished in September 2019, therefore a detection bill of Rs. 321,290/- against 12,332 units for three months i.e. September 2019 to November 2019 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 above detection bill 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 While addressing the preliminary objection of the Appellant regarding the jurisdiction of the POI, it is clarified that the dispute of billing pertains to the defective metering equipment and the POI has exclusive jurisdiction to adjudicate the instant matter under Section 38 of the NEPRA Act. The objection of the Appellant in this regard is devoid of force and, hence dismissed.
  - 6.2 As regards another objection of the Appellant for not issuing notice as per the Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under Section 38 of the NEPRA Act, 1997, and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which does not require for service of any prior notice before approaching the POI. The objection of the Appellant is not valid and, therefore overruled.
  - 6.3 The Appellant charged a detection bill of Rs.321,290/- against 12,332 units for three months i.e. September 2019 to November 2019 to the Respondent, which was assailed before the POI.



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6.4 To check the authenticity of the above detection bill charged by the Appellant, consumption data is reproduced below:

period before dispute		disputed period		Last eleven months	
Month	Units	Month	Units	Oct-18	1505
Sep-18	796	Sep-19	0	Nov-18	1352
Oct-18	1505	Oct-19	0	Dec-18	1680
Nov-18	1352	Nov-19	1360	Jan-19	960
				Feb-19	1446
				Mar-19	864
				Apr-19	793
				May-19	2001
				Jun-19	2001
				Jul-19	2000
				Aug-19	4564
Average	1218	Average	453	Average	1766

Examination of the above table shows that actual consumption was not charged by the Appellant due to a defective meter. However, in the instant case, the Appellant debited the detection bill for three months i.e. September 2019 to November 2019 based on consumption of August 2018, which is violation of Clause 4.4(e) of the CSM-2010. It is further observed that the Appellant did not download the data before charging the impugned detection bill, this shows gross negligence on the part of the Appellant for non-adhering to the provisions of the CSM-2010 in case of a defective meter.

6.5 In view of the foregoing discussion, it is concluded that the detection bill of Rs. 321,290/- for 12,332 units for three months i.e. September 2019 to November 2019 debited to the Respondent is unjustified and the same is liable to be cancelled as determined by the POI.

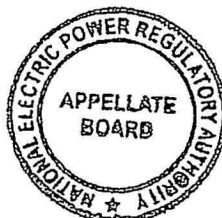
6.6 As evident from the billing statement of the Respondent, the impugned billing meter of the Respondent was found defective with vanish display in September 2019, hence the Respondent is liable to be charged the revised bills w.e.f. September 2019 and onwards till the replacement of the impugned meter as per 100% consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher as per Clause 4.4(e) of the CSM-2010. The impugned decision is liable to be modified to this extent.

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

7.1 The detection bill of Rs.321,290/- against 12332 units for three months i.e. September 2019 to November 2019 debited to the Respondent is cancelled.

7.2 The Respondent may be charged the revised bills w.e.f. September 2019 and onwards till the replacement of the impugned meter on DEF-EST code, pursuant to Clause 4.4(e) of the CSM-2010.

7.3 The billing account of the Respondent be overhauled after making the adjustment of payments




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made against the impugned detection bill.

8. The 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: 06-06-2024

