



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

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No. NEPRA/Appeal/006/2023/ 605

July 24, 2024

1. Nadeem Nisar,  
S/o. Ch. Nisar Ahmad,  
R/o. House No. 806-C,  
Faisal Town, Lahore
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Syed Ghazanfar Hussain Kamran,  
Advocate High Court,  
Office No. 06, Aftab Tower,  
16-Syed Moj Darya Road,  
Lahore  
Cell No. 0300-6571505
4. Assistant Manager (Operation),  
LESCO Ltd,  
Faisal Town Sub Division,  
Lahore
5. POI/Electric Inspector  
Lahore Region, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore  
Phone No. 042-99250191

Subject: Appeal No.006/2023 (LESCO Vs. Nadeem Nisar) Against the Decision Dated 26.09.2022 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 24.07.2024 (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.006/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Nadeem Nasir S/o. Ch. Nisar Ahmed,  
R/o. House No.806-C, Faisal Town, Lahore

.....Respondent

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

### For the Appellant:

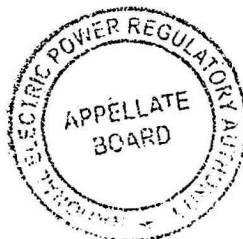
Mr. Ghazanfar Hussain Kamran Advocate

### For the Respondent:

Nemo

## DECISION

1. As per the facts of the case, Nadeem Nasir (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.24-11511-9008101-U having a sanctioned load of 45 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 2021, hence it was replaced with a new meter by the Appellant in February 2022. Meanwhile, a detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 debited to the Respondent based on the healthy consumption of corresponding months of the year 2020 and added to the bill for February 2022.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 24.03.2022 and challenged the above detection bill. During joint checking dated 13.06.2022 of the POI, the impugned meter was declared dead stop. The complaint of the Respondent was disposed of by the POI vide decision dated 26.09.2022, wherein it was held that the detection bill of



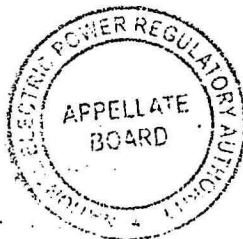
11.  
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## National Electric Power Regulatory Authority

Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 is void, unjustified and of no legal effect and the Appellant is allowed to charge revised bills w.e.f November 2021 and onwards till the replacement of the impugned meter as per consumption of corresponding month of the previous year or average consumption of last eleven months, whichever is higher.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 26.09.2022 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 impugned decision is against the law and facts of the case as the same was passed without applying judicious mind and based on misreading of the record, which violates the principle of natural justice; that the POI erred in declaring the meter as correct; that the POI neither recorded the evidence nor perused the relevant record, consumption data in true perspective and that the impugned decision is liable to be set aside.
4. Notice dated 02.02.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which were filed on 13.02.2023. In his reply, the Respondent contended that the impugned meter became defective in December 2021, therefore the Appellant was approached for immediate replacement of the impugned meter. The Respondent further contended that the detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 is illegal, unlawful, and against the usage and consumption of the premises. As per Respondent, the impugned decision for cancellation of the above detection is correct and the appeal is liable to be dismissed with cost.
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 2021, therefore a detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 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:



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## National Electric Power Regulatory Authority

6.1 As per the available record, the billing meter of the Respondent was found defective in September 2021 and nil consumption was charged from September 2021 to December 2021. During M&T checking dated 17.01.2022, the defectiveness in the impugned meter was confirmed. Subsequently, the Appellant charged a detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 to the Respondent, which was assailed by him before the POI. During the joint checking of the POI on 13.06.2022, the defectiveness in the impugned meter was established, joint checking report was signed by both parties without raising any objection.

6.2 According to Clause 4.3.1(b) of the CSM-2021, the Respondent is liable to be charged the bills as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher in case of defective meter. It is observed that the Appellant debited the detection bill for four months retrospectively on the basis of consumption of the corresponding month of the previous year i.e. 2020, which is violative of the ibid clause of the CSM-2021.

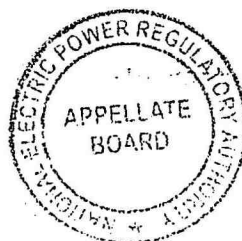
6.3 In view of the foregoing discussion, it is concluded that the detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 debited to the Respondent is unjustified and the same is liable to be cancelled as determined by the POI.

6.4 The consumption data of the Respondent is reproduced below for the sake of convenience:

Month	Units	Month	Units
January 2021	1355	July 2021	3811
February 2021	1702	August 2021	4070
March 2021	1162	September 2021	275
April 2021	1201	October 2021	0
May 2021	2333	November 2021	0
June 2021	2807	December 2021	0

As evident from the above, nil/minimum consumption charged during the disputed period from September 2021 to December 2021, hence the Respondent is liable to be charged the revised bills w.e.f September 2021 and onwards till the replacement of the impugned meter as per consumption of corresponding month of previous year or average consumption of last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021. For the sake of

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## National Electric Power Regulatory Authority

convenience, the formula for charging the bills for the period from September 2021 to December 2021 is given below:

period before dispute		disputed period		Last eleven months	
Month	Units	Month	Units	Month	Units
Sep-20	1765	Sep-21	275	Oct-20	3283
Oct-20	3283	Oct-21	0	Nov-20	1277
Nov-20	1277	Nov-21	0	Dec-20	1596
Dec-20	1596	Dec-21	0	Jan-21	1355
				Feb-21	1702
				Mar-21	1162
				Apr-21	1201
				May-21	2807
				Jun-21	3811
				Jul-21	4070
				Aug-21	275
				Average	2049

7. In view of what has been stated above, we reached the conclusion that:

7.1 the detection bill of Rs.277,033/- against 7,646 units for four months i.e. September 2021 to December 2021 is unjustified and the same is cancelled.

7.2 The Respondent may be charged the revised bill w.e.f September 2021 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 as per Clause 4.3.1(b) of the CSM-2021.

7.3 The billing account of the Respondent may be overhauled, accordingly.

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

Abid Hussain  
Member/Advisor (CAD)

Dated: 24-07-2024

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

