



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

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No. NEPRA/Appeal/014/2024/ 579

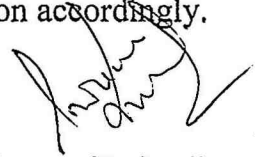
July 11, 2024

1. Muhammad Mujahid,
S/o. Mian Muhammad Anwar,
R/o. Yousaf Tanneries,
Situating at Niaz Nagar,
Tehsil & District Kasur
Phone No. 049-2762071
Cell No. 0321-4022568
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mian Muhammad Mudassar Bodla,
Advocate Supreme Court,
Syed Law Chambers,
4-Mozang Road, Lahore
Cell No. 0333-4362312
4. Assistant Manager (Operation),
LESCO Ltd,
Niaz Nagar Sub Division,
Kasur
5. POI/Electric Inspector,
Lahore Region-II,
Energy Department, Govt. of Punjab,
342-B, Near Allah Hoo Chowk,
Johar Town, Lahore
Phone No. 042-99333968

Subject: Appeal No.014/2024 (LESCO Vs. Muhammad Mujahid) Against the Decision Dated 12.12.2023 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 11.07.2024 (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.014/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Mujahid S/o. Mian Muhammad Anwar,
R/o. Yousaf Tanneries situated at Niaz Nagar,
Tehsil & District Kasur

.....Respondent

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

For the Appellant:

Mian Muhammad Muddassar Bodla Advocate

For the Respondent:

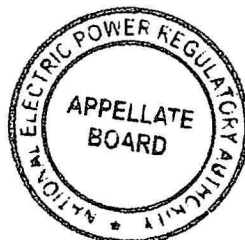
Mr. Muhammad Salman

DECISION

1. As per the facts of the case, Muhammad Mujahid (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.24-11721-2419001-U having sanctioned load of 340 kW and the applicable tariff category is B-2(b). During M&T checking dated 12.04.2023 of the Appellant, both the billing and backup meters were found 33% slow due to one phase being dead. Subsequently, the Appellant debited a detection bill of Rs.3,449,566/- for 87,146 units for six months for the period from October 2022 to March 2023 was charged to the Respondent @ 33% slowness of the meter and added to the bill for August 2023.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") and challenged the above detection bill. During joint checking dated 10.10.2023 of the POI, 33% slowness was witnessed in both the billing and backup meters. The complaint of the Respondent was disposed of by the POI vide decision dated 12.12.2023, wherein the detection bill of

Appeal No.014/POI-2024

Page 1 of 4



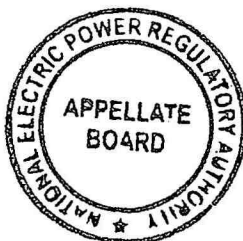
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National Electric Power Regulatory Authority

Rs.3,449,566/- for 87,146 units + 674 kW MDI for the period from October 2022 to March 2023 was cancelled and the Appellant was directed to revise the bills w.e.f February 2023 and onwards till the replacement of the impugned meter on the DEF-EST code.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 12.12.2023 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 grounds that the impugned decision is against the law and facts of the case; that the impugned billing meter was found 33% slow during M&T checking dated 12.04.2023, which was also verified by the POI during joint checking dated 10.10.2023; that the detection bill of Rs.3,449,566/- for 87,146 units+674 kW MDI for six months for the period from October 2022 to March 2023 charged to the Respondent be declared as justified and payable by the Respondent; that the POI failed to consider the consumption data and did not apply his judicious mind; that the POI has not thrashed out the consisting reasons in the matter; and that the impugned decision is liable to be set aside.
4. Notice dated 09.02.2024 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed. Subsequently, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 07.06.2024, wherein learned counsel appeared for the Appellant, and a representative entered an appearance for the Respondent. Learned counsel for the Appellant contended that one phase of both the billing and backup meters of the Respondent was found defective, therefore, the detection bill of Rs.3,449,566/- for 87,146 units+674 kW MDI for six months for the period from October 2022 to March 2023 was debited to the Respondent to account for 33% slowness of the meter. Learned counsel for the Appellant further contended 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 the same is liable to be struck down. On the contrary, the representative for the Respondent repudiated the version of the Appellant regarding charging the impugned detection bill and argued that the impugned detection bill was charged in contravention to the provisions of the CSM-2021 and POI has rightly curtailed the period of detection bill from six months to two months in accordance with Clause 4.3.3c(ii) of the CSM-2021. The representative for the Respondent finally defended the impugned decision and prayed for upholding the same.



11.



National Electric Power Regulatory Authority

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

5.1 Detection bill of Rs.3,449,566/- for 87,146 units+674 kW MDI from October 2022 to March 2023:

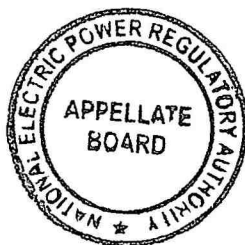
As per the available record, one phase of the billing meter of the Respondent was found defective during checking dated 12.04.2023 of the Appellant, therefore, a detection bill amounting to Rs.3,449,566/- for 87,146 units for six months for the period from October 2022 to March 2023 to the Respondent, which was challenged by him before the POI.

5.2 During joint checking dated 10.10.2023, 33% slowness in the impugned billing and backup meters of the Respondent was established, hence only the period of 33% slowness needs to be determined through the analysis of consumption data in the table below:

Period before dispute		Disputed period	
Month	Units	Month	Units
Oct-21	7520	Oct-22	29600
Nov-21	46560	Nov-22	35200
Dec-21	68320	Dec-22	33920
Jan-22	62240	Jan-23	27040
Feb-22	49600	Feb-23	26560
Mar-22	39840	Mar-23	21920
Apr-22	35040	Apr-23	26768
May-22	33440	May-23	35611
Jun-22	50880	Jun-23	33460
Jul-22	21280	Jul-23	26051
Aug-22	29280	Aug-23	28919
Sep-22	25760	Sep-23	38957

5.3 The above consumption data shows that considerably less consumption was recorded during the disputed months by the impugned meter as compared to the consumption recorded by the impugned meter during the corresponding undisputed period before the dispute but this does not warrant the Appellant to debit the detection bill for six months in violation of Clause 4.3.3c(ii) of the CSM-2021. Therefore, we are inclined to agree with the determination of POI for the cancellation of the detection bill of Rs.3,449,566/- for 87,146 units for six months for the period from October 2022 to March 2023 debited to the Respondent.

5.4 The Respondent may be charged the revised supplementary bill for two billing cycles prior to checking dated 12.04.2023 as per Clause 4.3.3c(ii) of the CSM-2021. Moreover, the bills w.e.f checking dated 12.04.2023 and onward till the replacement of the impugned meter be revised with enhanced MF as per Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.







National Electric Power Regulatory Authority

6. In view of what has been stated above, we reached the conclusion that:
- 6.1 the detection bill of Rs.3,449,566/- for 87,146 units for six months for the period from October 2022 to March 2023 debited is cancelled, which is also the determination of the POI.
- 6.2 The Respondent may be charged the revised supplementary bill on account of 33% slowness of the meter for two billing cycles prior to checking dated 12.04.2023 as per Clause 4.3.3c(ii) of the CSM-2021 and the bills w.e.f checking dated 12.04.2023 and onward till the replacement of the impugned meter be revised with enhanced MF as per Clause 4.3.3c(i) of the CSM-2021 due to 33% slowness of the impugned meter.
7. The impugned decision is modified in the above terms.

On leave
Abid Hussain
Member/Advisor (CAD)


Naweed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 11-07-2024

