



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

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No. NEPRA/Appeal/025/2024/580


July 11, 2024

1. Muhammad Hamza Waseem,  
R/o. House No. 09,  
New Officers Colony,  
Saddar, Lahore Cantt  
Cell No. 0324-4008737
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Muhammad Nasir Mahmood Sandhu,  
Advocate High Court,  
Asif Chamber, 1<sup>st</sup> Floor,  
13-Fane Road, Lahore  
Cell No. 0323-4115727
4. Assistant Manager (Operation),  
LESCO Ltd,  
Saddar 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.025/2024 (LESCO Vs. Muhammad Hamza Waseem) Against the Decision Dated 31.08.2021 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 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.025/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Hamza Waseem,

R/o. House No.09, New Officers Colony, Saddar, Lahore Cantt

.....Respondent

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

For the Appellant:

Mr. Muhammad Nasir Sandhu Advocate

For the Respondent:

Mr. Muhammad Hamza Waseem

## **DECISION**

1. Brief facts of the case are that Muhammad Hamza Waseem (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.10-11542-0990800-U having sanctioned load of 6 kW and the applicable tariff category is A-1(b). Reportedly, the impugned billing meter of the Respondent was found 86% slow during the M&T checking dated 04.02.2021. Notice dated 16.02.2021 was issued to the Respondent regarding the above discrepancy and a detection bill amounting to Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 was charged to the Respondent @ 86% slowness of the meter and added to the bill for May 2021.
2. Being aggrieved with the above actions of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 03.05.2021 and challenged the above detection bill. The matter was decided ex-parte by POI vide decision dated 31.08.2021, wherein the detection bill of Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 was declared null and void.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 03.05.2021 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 grounds that the impugned decision is against the facts and law of the case; and that the



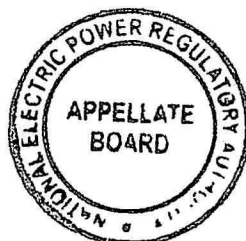
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POI misconceived the real facts of the case as the said forum did not consider the billing detail of the Respondent; that the POI has no jurisdiction to adjudicate the billing dispute of theft of electricity; that the impugned decision is based on surmises and conjectures and that the same is liable to be set aside.

4. Notice dated 19.03.2024 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 the Respondent appeared in person. Learned counsel for the Appellant contended that the billing meter of the Respondent was found 86% slow during checking dated 04.02.2021, therefore the detection bill of Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 was debited to the Respondent to recover the revenue loss sustained by the Appellant. Learned counsel for the Appellant further contended that the above detection bill debited to the Respondent is justified and payable by him. Learned counsel for the Appellant prayed for setting aside the impugned decision in the best interest of justice. The Respondent appearing in person refuted the allegation of the Appellant regarding the slowness of the meter and averred that the meter under dispute was functioning correctly till January 2021, hence there is no justification to debit the impugned detection bill. The Respondent finally prayed for upholding the impugned decision.
5. Having heard the arguments and record perused. Following are our observations:
  - 5.1 Reportedly, the impugned billing meter of the Respondent was found 86% slow during the M&T checking dated 04.02.2021. Therefore a detection bill amounting to Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 was charged to the Respondent @ 86% slowness of the meter and added to the bill for May 2021, which was challenged before the POI.
  - 5.2 POI vide impugned ex-parte decision cancelled the above detection bill against which the Appellant filed the instant appeal before the NEPRA. In its Appeal, the Appellant submitted that the above detection bill was charged on account of 86% slowness of the meter and the Respondent is responsible to pay the same.
  - 5.3 It is observed that the Appellant neither appeared before the POI nor submitted the reply to the complaint before the said forum despite repeated notices, this shows their lack of interest in defending the disputed bill. The Appellant debited the detection bill for six months @ 86% slowness of the meter in violation of Clause 4.3.3c(ii) of the CSM-2021. According to the said



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clause of the CSM-2021, the Appellant may charge the supplementary bill maximum for two months in case of slow meter. It is further clarified that the Authority vide order dated 13.06.2024 retained the period of supplementary/detection bill for two billing cycles in case of the slowness of the metering equipment/defective CTs as mentioned in Clause 4.4(e) of CSM- 2010 (existing Clause 4.3.3 of CSM-2021), the operative portion of which is reproduced below:

*"For the reasons stated above, we reject the proposal of the distribution companies and retain the period of the supplementary bills for two (02) billing cycles in the case of the slowness of the metering installation/defective CTs as mentioned in clause 4.4(e) of CSM-2010 (existing clause 4.3 of CSM-2021). In a vigilant system, slowness of the metering installation should be detected timely, hence the distribution companies must bring efficiency in their working and replace the slow meters/defective CTs within the stipulated period as provided in clause 4.3 of the CSM-2021 in true letter and spirit. The distribution companies should ensure the charging of supplementary bills maximum for two billing cycles. If in the cases where the slowness of the metering installation is not pointed out timely and the metering installation is not replaced within maximum period of two (02) billing cycles, the competent authority of the relevant distribution company shall take disciplinary action against the concerned officials and fix the responsibility for negligence in such cases."*

5.4 In light of the foregoing order of the Authority, we are of the considered view that the detection bill of Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 is declared null and void being inconsistent with Clause 4.3.3c(ii) of the CSM-2021. The impugned decision is liable to be maintained to this extent.

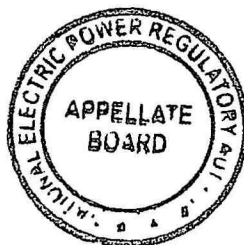
5.5 Since the discrepancy of 86% slowness was observed on 04.02.2021, the Respondent is liable to be charged the revised supplementary bill for two billing cycles prior to checking dated 04.02.2021 @ 86% slowness of the meter, according to Clause 4.3.3c(ii) of the CSM-2021.

5.6 Moreover, the bills w.e.f. checking dated 04.02.2021 and onwards till the replacement of the impugned meter are liable to be charged by raising MF as per Clause 4.3.3c(i) of the CSM-2021 and the Respondent is liable to pay the same.

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

6.1 the detection bill amounting to Rs.128,803/- for 6,561 units for the period from August 2020 to January 2021 debited to the Respondent is unjustified and the same is cancelled.

6.2 The Respondent may be charged the revised supplementary bill for two billing cycles before checking dated 04.02.2021 after adding 86% slowness, according to Clause 4.3.3c(ii) of the CSM-2021.



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6.3 Moreover, the bills w.e.f. checking dated 04.02.2021 and onwards till the replacement of the impugned meter be charged by raising MF due to 86% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021.

6.4 The billing account of the Respondent be overhauled after making the adjustment of payments made against the impugned detection bill.

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

