



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/081/2023/576

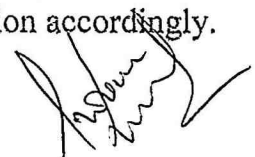
July 11, 2024

1. Muhammad Javaid,
S/o. Abdul Haq,
R/o. House No. 68, Block A-I,
PIA Housing Society, Lahore
Cell No. 0320-9549817
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Shahid Ali,
Advocate High Court,
Office No. 29-B, Third Floor,
Sadiq Plaza, The Mall, Lahore
Cell No. 0322-6993680
4. Imtinan Khalid,
Advocate High Court,
Chamber No. 61, Model Town Courts,
Lahore
Cell No. 0301-4716471,
0331-4012597
5. Assistant Manager (Operation),
LESCO Ltd,
WAPDA Town Sub Division,
Lahore
6. 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.081/2023 (LESCO Vs. Muhammad Javaid) Against the Decision Dated 05.07.2023 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 (05 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 Nos.081/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Javaid S/o. Abdul Haq,

R/o. House No.68, Block A-I, PIA Housing Society, LahoreRespondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Shahid Ali Advocate

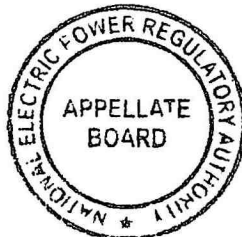
For the Respondent:

Mr. Imtihan Haider Advocate

DECISION

1. Through this decision, the appeal filed by the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 05.07.2023 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Javaid (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.05-11272-0723000-U with a sanctioned load of 5 kW and the applicable Tariff category is A-1(b). The billing meter of the Respondent became defective (burnt) on 15.06.2022, hence it was replaced with a new meter by the Appellant in August 2022 and sent to the Metering & Testing ("M&T") laboratory. As per M&T report of the Appellant, 5,889 units were found uncharged. Resultantly, a detection bill of Rs.196,475/- against 5,889 units was debited to the Respondent due to the difference of readings between the units already charged and the final reading of the impugned meter and added to the bill for January 2023.

Appeal No. 081/POI-2023



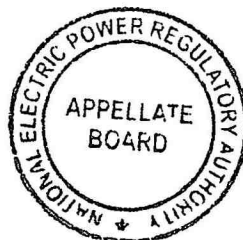
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3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 05.07.2023, wherein the detection bill of Rs.196,475/- against 5,889 units was cancelled.
4. The Appellant filed an instant appeal before the NEPRA against the afore-referred decision of the POI, which was registered as Appeal No.081/POI-2023. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the detection bill of Rs.196,475/- against 5,889 units was debited to the Respondent due to the difference in readings between the units already charged and the final retrieved reading of the removed meter; that the impugned decision is against the facts of the case and has passed in a mechanical and without appreciation of law points; that the above detection bill was proved through authentic documents but the POI declared the impugned detection bill as null and void; that the POI neither recorded the evidence nor perused the PITC data; that the impugned decision was announced after expiry of 90 days; that the POI passed the illegal decision.
5. **Proceedings by the Appellate Board**
Upon filing of the instant appeal, a notice dated 25.09.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 11.10.2023. In the reply, the Respondent contended that the impugned meter became defective on 15.06.2022, therefore the Appellant debited the average bills for two months. The Respondent further contended that the impugned meter was replaced with a new meter by the Appellant on 04.08.2022. As per Respondent, the Appellant debited a detection bill of Rs.196,475/- against 5,889 units, which is inconsistent with the consumption pattern of the premises. According to the Respondent, the above detection bill was rightly cancelled by the POI. The Respondent finally prayed for the dismissal of the appeal and maintainability of the impugned decision.
6. **Hearing**
6.1 Hearing of the subject appeal was conducted at NEPRA Regional Office Lahore on 01.03.2024, which was attended by the counsels for both the Appellant and the Respondent. Learned counsel for the Appellant contended that the billing meter of the Respondent was found burnt in August 2022, therefore it was replaced with a new meter and sent for data retrieval. Learned counsel for the Appellant further contended that 5,889 units were found



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uncharged in the impugned meter, therefore a detection bill amounting to Rs.196,475/- against 5,889 units was debited to the Respondent due to the difference of units already charged and the final retrieved reading of the impugned meter to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI without perusing the documentary evidence. Learned counsel for the Appellant finally prayed that the impugned decision is liable to be set aside.

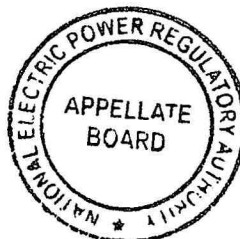
6.2 On the contrary, learned counsel for the Respondent repudiated the version of the Appellant and argued that the entire proceedings including checking were carried out by the Appellant unilaterally and the detection bill of Rs.196,475/- against 5,889 units was debited without any justification. The representative for the Respondent supported the impugned decision and prayed for the cancellation of the above detection bill.

6.3 To reach just conclusion, the Appellant was directed to submit the PITC data for the years 2020-23 and the M&T checking report vide letter No.NEPRA/Appeal/081/POI-2023 dated 23.05.2024, which however were not provided by the Appellant. Therefore, another opportunity of hearing was given to the Appellant on 07.06.2024, wherein learned counsel appeared for the Appellant and submitted PITC data for the years 2020-23, whereas the M&T checking report was not provided by the Appellant.

7. Arguments heard and the record perused. Following are our observations:

7.1 Objection regarding the time limit for POI to decide the complaint:

As per the record, the Respondent filed his complaint before the POI under Section 38 of the NEPRA Act. POI pronounced its decision on 05.07.2023 after the expiry of 90 days from the date of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the Electricity Act, 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of the NEPRA Act which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the NEPRA Act overrides provisions of the Electricity Act 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court, Lahore reported in *PLJ 2017 Lahore 627* and *PLJ 2017 Lahore 309*. Keeping in view the overriding effect of the NEPRA Act being later in time, and the above-referred decisions of the honorable High Court, hence the objection of the Appellant is rejected.



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7.2 Detection bill of Rs.196,475/- against 5,889 units:

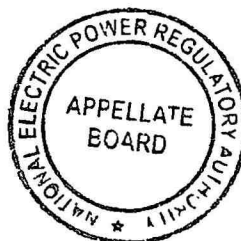
In the instant case, the Appellant claimed that the impugned meter of the Respondent was found defective (burnt) and electricity was being used, hence it was replaced with a new meter on 04.08.2022 and sent to M&T laboratory for checking. Thereafter, the Appellant debited a detection bill of Rs.196,475/- against 5,889 units to the Respondent, which was challenged before the POI.

7.3 It is observed that the Appellant charged the above detection bill based on the data retrieval report but the said checking was neither carried out in the presence of the Respondent nor said impugned meter was checked by the POI being competent forum. The Appellant even failed to submit the M&T checking report to this forum despite repeated notices.

7.4 To further ascertain the justification of the above detection bill, the consumption pattern is examined in the table below:

Old meter		New meter	
Month	Units	Month	Units
Aug-21	475	Aug-22	54
Sep-21	260	Sep-22	244
Oct-21	199	Oct-22	223
Nov-21	98	Nov-22	141
Dec-21	75	Dec-22	67
Jan-22	57	Jan-23	79
Feb-22	155	Feb-23	64
Mar-22	108	Mar-23	110
Apr-22	199	Apr-23	57
May-22	241	May-23	114
Jun-22	312	Jun-23	132
Jul-22	217	Jul-23	184
Total	2396	Total	1469
Detection bill=5,889 units			

7.5 The above consumption analysis shows that the Respondent was charged 2,396 units during the disputed period, which are much higher than the total consumption charged during the corresponding months of the succeeding year, hence there is no justification to further





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burden the Respondent by debiting the impugned detection bill. In view of the foregoing discussion, we are inclined to agree with the determination of the POI for the cancellation of the above detection bill.


7.6 Admittedly, the impugned meter of the Respondent was found defective on 15.06.2022 and it was replaced with a new meter by the Appellant on 04.08.2022. therefore it would be fair and appropriate to revise the bills for the period from June 2022 to August 2022 on DEF-EST code as per Clause 4.3.1(b) of the CSM-2021.


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

8. Impugned decision is modified in the above terms.

On leave
Abid Hussain
Member/Advisor (CAD)

Dated: 11-07-2024


Naweed Illahi Sheikh
Convener/DG (CAD)


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

