



**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](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/135/2021/ 574


July 05, 2024

- |  |  |
|--|--|
| 1. Zulifqar Ahmed,<br>S/o Siraj Din,<br>R/o. 198-Hunza Block,<br>Allama Iqbal Town, Lahore   | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore                    |
| 3. Rai Abid Ali Kharal,<br>Advocate High Court,<br>Elahi Law Associates, Office No. 25,<br>3 <sup>rd</sup> Floor, Ali Plaza, 3-Mozang Road,<br>Lahore<br>Cell No. 0300-4609266 | 4. Assistant Manager (Operation),<br>LESCO Ltd,<br>Allama Iqbal Town Sub Division,<br>Lahore |
| 5. POI/Electric Inspector<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore                       |  |

Subject: **Appeal No.135/2021 (LESCO Vs. Zulfiqar Ahmed) Against the Decision Dated 30.07.2020 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 05.07.2024 (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.135/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Zulfiqar Ahmed S/o. Siraj Din,

R/o. 198-Hunza Block, Allama Iqbal Town, Lahore

.....Respondent

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

For the Appellant:

Rai Abid Ali Kharal Advocate

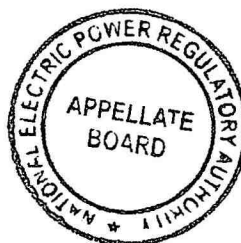
For the Respondent:

Mr. Waqar Ahmed

### 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 30.07.2020 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Zulfiqar Ahmed (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.11-11231-1109000-U with sanctioned load of 1 kW and the applicable Tariff category is A-1(a). Metering & Testing ("M&T") team of the Appellant checked the metering equipment of the Respondent on 09.08.2019 and reportedly, the billing meter was found sticking/stopped, and 4,550 units were found uncharged. Resultantly, a detection bill of Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) 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 August 2019. Subsequently, the electricity of the premises was disconnected by the Appellant due to non-payment of the impugned detection

MA.





## National Electric Power Regulatory Authority

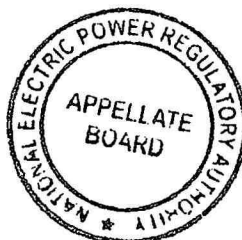
bill.

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 30.07.2020, wherein the detection bill of Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) was cancelled. As per the POI decision, the Appellant was directed to revise the bills w.e.f August 2019 and onwards till the replacement of the impugned meter as per Clause 4.4(e) of the CSM-2010.
4. The Appellant filed an instant appeal before the NEPRA against the afore-referred decision of the POI, which was registered as Appeal No.135/POI-2021. 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.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) 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 POI did not apply his independent and judicious mind while passing the impugned decision; that the impugned decision is against the settled principle law; that the POI passed the impugned decision without perusing the record; that the impugned decision was announced after expiry of 90 days, which is void ab-initio, and coram, nonjudice; that the POI has not thrashed out the consisting reasons of the appellants in the matter and passed the illegal decision.

5. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a notice dated 12.01.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 18.03.2022. In the reply, the Respondent contended that the Appellant debited a detection bill of Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019, which is inconsistent with the consumption pattern of the premises. The Respondent further contended that he made 100% payment against the impugned detection bill to avoid disconnection of electricity of the second meter installed on the premises. As per Respondent, despite the full recovery of the impugned detection bill, the Appellant did not install the new meter of the disputed connection. According to the Respondent, the above detection bill was debited by the Appellant due to sticky meter, which was actually running fast. According to the Respondent, the POI cancelled the impugned detection but failed to

*M.*





## National Electric Power Regulatory Authority

take action against the delinquent officials for their non-adherence to the orders of 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 counsel for the Appellant and the Respondent was represented by his son. Learned counsel for the Appellant contended that the billing meter of the Respondent was found running slow/sticky during checkings dated 09.08.2019, therefore it was replaced with a new meter and sent for data retrieval. Learned counsel for the Appellant further contended that 4,550 units were found uncharged in the impugned meter, therefore a detection bill amounting to Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) 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, the representative 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.107,217/- against 4,550 units for the period from February 2019 to July 2019 was debited without any justification. The representative for the Respondent supported the impugned decision and prayed for the cancellation of the above detection bill.

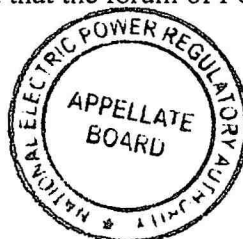
6.3 To reach just conclusion, the Appellant was directed to submit the PITC data for the years 2017-18 vide letter No.NEPRA/Appeal/135/2021/421 dated 08.05.2024, which was subsequently provided by the Appellant during the hearing dated 07.07.2024.

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 in August 2019 under Section 38 of the NEPRA Act. POI pronounced its decision on 30.07.2020 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

M.





## National Electric Power Regulatory Authority

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.

**7.2 Detection bill of Rs.107,217/- for 4,550 units for the period February 2019 to July 2019:**

In the instant case, the Appellant claimed that M&T on 09.08.2019 detected that the impugned meter of the Respondent was found defective (sticky/dead stop) and electricity was being used. Thereafter, the Appellant debited a detection bill of Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) 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. To further ascertain the justification of the above detection bill, the consumption pattern is examined in the table below:

Period	Normal units	Detection units/month
Undisputed period: Feb-2017 to Jul-2017	=52+52+105+227+387+458= 1,281	-
Undisputed period: Feb-2018 to Jul-2018	=74+46+45+172+440+1155= 1,932	-
Disputed period: Feb-2019 to Jul-2019	=136+80+74+152+215+512 = 1,169	5,429

The above consumption analysis shows that the Respondent was charged 1,129 units during the disputed period February 2019 to August 2019, which are much lesser than the total consumption charged during the corresponding months of the years 2017 and 2018, which indicates that the impugned meter could not record actual consumption during the disputed period. However, the detection bill charged for the cost of 5,429 units is much higher than the total consumption of corresponding undisputed months of the preceding years 2017 and 2018.

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.

7.4 Since the impugned meter could not record actual consumption due to defectiveness, hence





## National Electric Power Regulatory Authority

it would be fair and appropriate to charge the revised detection bill for two months before checking dated 09.08.2019 due to the defective meter, according to Clause 4.4(e) of CSM-2010.

7.5 Similarly, the bills w.e.f checking dated 09.08.2019 and onwards till the disconnection of electricity of the premises be charged on DEF-EST code. The impugned decision is liable to be modified to this extent.

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

8.1 the detection bill of Rs.107,217/- against 4,550 units for the period from February 2019 to July 2019 (06 months) charged to the Respondent is unjustified and the same is cancelled.


8.2 the Respondent may be charged the revised detection bill for two months before checking dated 09.08.2019 as per Clause 4.4(e) of the CSM-2010 and the bills w.e.f checking dated 09.08.2019 and onwards till the disconnection of electricity of the premises on DEF-EST code.


8.3 The billing account of the Respondent be overhauled, accordingly.

9. Impugned decision is modified in the above terms.

On leave  
Abid Hussain  
Member/Advisor (CAD)

Dated: 05-07-2024

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

