



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

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No. NEPRA/Appeal/033/2022/ 622

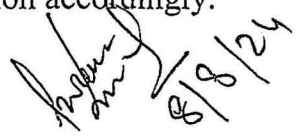
August 08, 2024

1. Muhammed Waqar Butt,  
S/o. Khadim Hussain Butt,  
R/o. House No.90,  
Bankers Cooperative Housing Society,  
Lahore
2. Chief Executive Officer,  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Ch. Muhammad Azeem,  
Advocate High Court,  
Second Floor, Zahoor Chambers,  
1-Mozang Road, Lahore.  
Cell No. 0333 4402579,  
0308-4008130
4. Assistant Manager (Operation),  
LESCO Ltd,  
Nishter Colony 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.033/2022 (LESCO Vs. Muhammad Waqar Butt) Against the Decision Dated 10.02.2022 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 08.08.2024 (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 Appellate Board

In the matter of

## Appeal No.033/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Waqar Butt S/o. Khadim Hussain Butt,

R/o House No.90, Bankers Cooperative

Housing Society, Lahore

.....Respondent

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

For the Appellant:

Ch. Muhammad Azeem Advocate

For the Respondent:

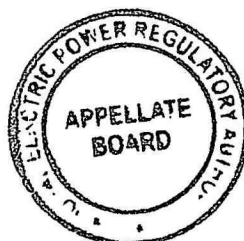
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## DECISION

1. Brief facts leading to the filing of instant appeal are that Muhammad Waaqar Butt (hereinafter referred to as the "Respondent") is a domestic consumer of the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No. 13-11533-1410171 U with sanctioned load of 07 kW and the applicable Tariff category is A-1(b). The premises of the Respondent was checked by the Metering and Testing (M&T) team of the Appellant on 29.05.2021 and reportedly, the billing meter was found tampered for dishonest abstraction of electricity. Therefore, the electricity of the premises was disconnected by the Appellant, metering equipment was removed and an FIR dated 30.05.2021 was registered with the police against the Respondent on account of the theft of electricity. Thereafter, a detection bill of Rs.210,181/- against 10,083 units for six (06) months for the period from December 2020 to May 2021 was charged by the Appellant to the Respondent on the basis of the 20% load factor of the connected load i.e. 8.133 kW and added to the bill for May 2021.

Appeal No.033/POI-2022

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2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 10.06.2021 and challenged the above detection bill. The matter was disposed of by the POI vide the decision dated 10.02.2022, wherein the detection bill of Rs.210,181/- for 10,083 units for six (06) months for the period from December 2020 to May 2021 was declared null and void. As per the POI decision, the Appellant was directed to charge the revised bills w.e.f April 2021 and onwards till the replacement of the impugned meter on the DEF-EST code.
3. Subject appeal has been filed against the afore-referred decision dated 10.02.2022 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the impugned decision is against the law and facts of the case as the same was passed on the basis of illegal assumptions and presumptions. The Appellant further contended that the POI passed the impugned decision without perusing the record. As per the Appellant, the impugned bill was charged to the Respondent after completing codal formalities, which were established by him through his conduct as well as submissions. The Appellant prayed that the impugned decision is liable to be set aside.

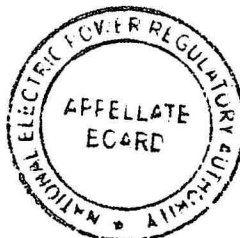
4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, a Notice dated 06.04.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.

5. **Hearing**

Accordingly, hearing in the matter was fixed for 01.03.2024 at NEPRA Regional Office Lahore, wherein learned counsel was present on behalf of the Appellant and the Respondent did not tender appearance. During the hearing, learned counsel for the Appellant contended that the billing meter of the Respondent was checked by the M&T on 29.05.2021, wherein it was found tampered for stealing electricity by the Respondent. Learned counsel for the Appellant further contended that the detection bill amounting to Rs.210,181/- was debited to the Respondent based on the connected load i.e. 8.133 kW. Learned counsel for the Appellant averred that the FIR was registered against the Respondent due to theft of electricity and the electricity of the premises was disconnected. Learned counsel for the Appellant defended the charging of the impugned detection bill and prayed that the same be declared as justified and payable by the Respondent.

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

6.1 **Detection bill of Rs.210,181/- for 10,083 units for six (06) months for the period from December 2020 to May 2021:**

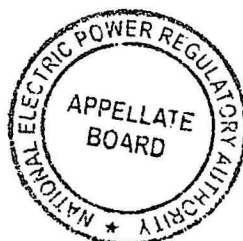
In its appeal, the Appellant has claimed that the Respondent was involved in the dishonest abstraction of electricity through tampering with the meter. Clause 9.2.1 of the CSM-2021 specifies the indications of illegal abstraction, while Clause 9.2.2 of the CSM-2021 lays down the procedure to confirm the same and charging the consumer on this account.

6.2 In the instant case, the Appellant claimed that M&T on 29.05.2021 detected that the impugned meter of the impugned connection was tampered for illegal abstraction of electricity. Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.2.2 of the CSM-2021 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent, accordingly.

6.3 However, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2021. The Appellant charged the above detection bill for six months without soliciting approval from the CEO being competent authority, which is violation of Clause 9.2.3(c)(i) of the CSM-2021. Moreover, the Appellant could not prove their allegation of theft of electricity as the meter under dispute was not produced before the POI for checking. To further check the authenticity of the impugned detection bill, consumption data is analyzed in the below table:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Dec-19	253	Dec-20	325	Jun-21	642
Jan-20	240	Jan-21	439	Jul-21	1709
Feb-20	180	Feb-21	334	Aug-21	1279
Mar-20	158	Mar-21	266	Sep-21	204
Apr-20	412	Apr-21	477	Oct-21	182
May-20	922	May-21	0	Nov-21	216
<b>Total</b>	<b>2165</b>	<b>Total</b>	<b>1841</b>	<b>Total</b>	<b>4232</b>
Detection bill @ 1,187 units/month					

Examination of the above table shows that the total consumption of the Respondent charged during the disputed period is much less than the total consumption of the corresponding months of the preceding year and the total consumption for the period after the dispute. This indicates that the actual consumption could not be recorded by the meter due to tampering. However, the detection bill charged @ 1,187 units/month for six months





## National Electric Power Regulatory Authority

is inconsistent with Clause 9.1c(3) of the CSM-2010. Said clause of the CSM-2010 restricts the Appellant to debit the detection bill maximum for three months to the Respondent being a general supply consumer in the absence of approval from the CEO in case of theft of electricity.

6.4 In view of the foregoing discussion, we hold that charging of the detection bill of Rs.210,181/- against 10,083 units for six (06) months for the period from December 2020 to May 2021 to the Respondent is unjustified and the same is rightly cancelled by the POI.

6.5 As evident from the above table, the meter could not record actual consumption, hence it would be fair and appropriate to charge the detection bill @ 1,187 units per month for three months i.e. March 2021 to May 2021 as given in the above table. The impugned decision is liable to be modified to this extent.

7. Summing up the foregoing discussion, it is concluded that:

7.1 the detection bill of Rs.210,181/- against 10,083 units for six (06) months for the period from December 2020 to May 2021 charged to the Respondent is unjustified being contrary to Clause 9.1c(3) of the CSM-2010 and the same is cancelled.

7.2 The Respondent may be charged the revised detection bill @ 1,187 units/month for three months only i.e. March 2021 to May 2021.

7.3 The billing account of the Respondent may be overhauled after the adjustment of payment made against the above detection bill.

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

Abid Hussain  
Member/Advisor (CAD)

Dated: 08-08-2024

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

