



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

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No. NEPRA/Appeal/024/2023/ 735


September 19, 2024

- | | |
|--|---|
| 1. Muhammad Javid Ramzan,
S/o. Muhammad Ramzan,
R/o. Attari Saroba, Ferozpur Road,
Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Muhammad Nasir Mahmood Sandhu,
Advocate High Court,
Aasif Chamber, First Floor,
13-Fane Road, Lahore
Cell No. 0323-4115727 | 4. Assistant Manager (Operation),
LESCO Ltd,
Nishtar Colony Sub Division,
Lahore |
| 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.024/2023 (LESCO Vs. Muhammad Javid Ramzan) Against the Decision Dated 20.01.2023 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 19.09.2024 (03 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.024POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Javid Ramzan S/o. Muhammad Ramzan,
R/o. Attari Saroba, Ferozpur Road, Lahore

.....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 Mehmood Sandhu Advocate

For the Respondent:

Nemo

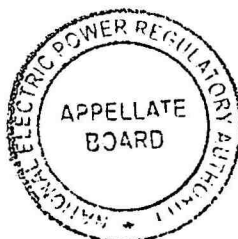
DECISION

1. As per the facts of the case, Muhammad Javid Ramzan (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.46-11533-1116909-U having sanctioned load of 16 kW and the applicable tariff category is B-1(b). During M&T checking dated 23.02.2020 of the Appellant, the yellow phase of the billing meter was found dead stop, therefore, a detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 debited to the Respondent on the basis of consumption of corresponding month of the previous year and added to the bill for February 2020.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 20.01.2023, wherein it was held that the detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 is cancelled and the Appellant is allowed to charge revised bills w.e.f December 2019 and onwards till the

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replacement of the impugned meter as per consumption of corresponding month of the previous year or average consumption of last eleven months, whichever is higher.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 20.01.2023 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 following grounds that the yellow phase of the impugned meter was found dead stop and the Respondent was found using electricity directly through the dead phase, therefore the detection bill amounting to Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 was debited to the Respondent to recoup the revenue loss; that the impugned decision is against the law and facts of the case; that the POI misconceived and misconstrued the real facts of the case and cancelled the above detection bill; that the POI has no jurisdiction to adjudicate the instant matter and that the impugned decision is liable to be set aside.

4. Notice dated 13.03.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed.

5. **Hearing**

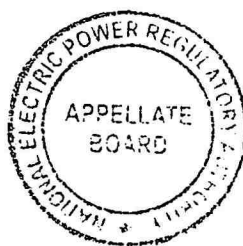
Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 01.03.2024, wherein learned counsel appeared for the Appellant and the Respondent did not tender appearance. Learned counsel for the Appellant contended that the yellow phase of the billing meter of the Respondent was found defective on 23.02.2020, therefore a detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 was debited to the Respondent. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void and revised the same for two months only. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.

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

6.1 **Jurisdiction of the POI u/s 38 of the NEPRA Act:**

The billing meter of the Respondent was found 33% slow during checking dated 23.02.2020 of the Appellant and the detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 was debited to the Respondent. The entire facts of the case manifest that the case pertains to the billing due to a slow meter and the POI has been empowered to adjudicate such matters under Section 38 of the NEPRA Act. In this

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context, the honorable Supreme Court of Pakistan in the case reported as PLD 2012 SC 371 held that the POI has exclusive jurisdiction to entertain the complaints of billing, where, the metering equipment is involved and the Civil Court has the jurisdiction in case of bypassing the meter. Thus the objection of the Appellant has no force and the same is rejected.

6.2 Detection bill of Rs.783,604/- for 29,560 units from September 2019 to January 2020:

As per the available record, the yellow phase of the billing meter of the Respondent was found defective during M&T checking dated 23.02.2020, therefore a detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 was debited to the Respondent, which was assailed by him before the POI.

6.3 According to Clause 4.4 of the CSM-2010, the Appellant may charge the detection bill maximum for two months in case of a slow meter, whereas in the instant case, the impugned detection bill was debited for five months in violation of the foregoing clause of the CSM-2010. The Appellant even failed to produce the impugned meter before the POI for verification of slowness. As such the detection bill of Rs.783,604/- against 29,560 units for five (05) months i.e. September 2019 to January 2020 charged by the Appellant to the Respondent is violative of ibid clause of the CSM-2010 and the same is cancelled.

6.4 The Respondent may be charged the revised detection bill for two billing cycles prior to checking dated 23.02.2020 as per Clause 4.4(c) of the CSM-2010 and the bills w.e.f checking dated 23.02.2020 and onwards till the replacement of the impugned meter on the DEF-EST code.

7. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Dated: 19-09-2024

Naweed Illahi Sheikh
Convener/DG (CAD)

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

