



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/073/2022/ *JS*

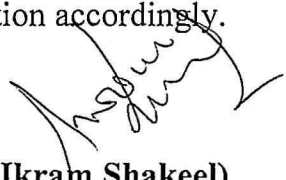
October 09, 2024

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| 1. Haji Altaf Hussain,
S/o. Haider Ali,
R/o. Altaf Market, Near Sheeku Hotel,
Khokhar Road, Badami Bagh,
Lahore
Cell No. 0301-4125883 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
Cell No. 0300-4350899 | 4. A. D. Bhatti,
Advocate High Court,
Office No. 4, First Floor,
Rehmat Tower, 13-Fane Road,
Lahore
Cell No. 0300-9431653 |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Data Nagar Sub Division,
Lahore | 6. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed by
LESCO Against the Decision Dated 22.03.2024 of the Appellate Board in
the Matter Titled "LESCO Vs. Haji Altaf Hussain"**

Please find enclosed herewith the decision of the Appellate Board dated 09.10.2024 (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

**REVIEW PETITION FILED BY LESCO UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED
22.03.2024 OF NEPRA IN APPEAL NO.073/POI-2022**

Lahore Electric Supply Company Limited

.....Petitioner

Versus

Haji Altaf Hussain S/o. Haider Ali,
R/o. Altaf Market, Near Sheeku Hotel, Khokhar Road,
Badami Bagh, Lahore

.....Respondent

For the Petitioner:

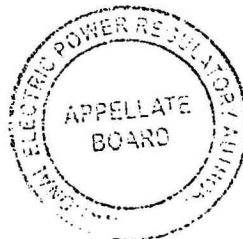
Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Mr. A.D. Bhatti Advocate

DECISION

1. Through this decision, the review petition filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Petitioner") against the decision dated 22.03.2024 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. Briefly speaking, Haji Altaf Hussain (hereinafter referred to as the "Respondent") is an industrial consumer of the Petitioner bearing Ref No.46-11151-0466100-U with sanctioned load of 4 kW and the applicable tariff category is B-1. The impugned meter of the Respondent was checked by the Petitioner on 25.02.2021 and reportedly, it was found dead stop. Notice dated 26.02.2021 was issued to the Respondent regarding the above discrepancy and a detection bill of Rs.3,572,239/- against 141,564 units for six months for the period from August 2020 to January 2021 was charged to the Respondent based on 40% load factor of the connected load i.e. 82.524 kW.
3. Being aggrieved with the above billing process, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (the "POI") and challenged the



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detection bill of Rs.3,572,239/-. The complaint of the Respondent was disposed of by the POI vide decision dated 11.01.2022, wherein the impugned detection bill of Rs.3,572,239/- was cancelled and the Petitioner was allowed to charge the revised bill w.e.f December 2020 and onwards till the replacement of the impugned meter @ 1,420 units per months.

4. Being dissatisfied, the Petitioner filed Appeal No.073/POI-2022 before the NEPRA against the afore-referred decision of the POI. NEPRA Appellate Board vide decision dated 22.03.2024 disposed of the appeal in the purview of settlement held between the parties.
5. The Petitioner filed an instant review petition before the NEPRA on 19.04.2024 against the decision dated 22.03.2024 of the NEPRA Appellate Board (the "impugned decision"). In the review petition, the Petitioner opposed the maintainability of the impugned decision *inter alia*, on the following grounds that the impugned detection bill was charged for six months, which was subsequently reduced for two months by the POI against which the instant appeal was filed; that the NEPRA Appellate Board dismissed as withdrawn vide the impugned decision; that the neither there was any compromise between the parties nor any amicable settlement was made by the Petitioner; that the impugned decision suffers from serious misreading and non-reading of record and has been passed mechanically and hurriedly without applying the independent judicial mind and considering the facts; that the honorable Supreme Court of Pakistan vide judgment dated 08.06.2023 remanded back the matter to NEPRA for revisit Clause 4.4(e) of the CSM-2010 (existing Clause 4.3.3 of the CSM-2021); and that the impugned decision be declared null and void and the main appeal be decided on merits and according to law just to save the ends of justice.

6. **Hearing:**

- 6.1 Hearing in the subject review petition was held at the NEPRA Regional Office Lahore on 07.06.2024, wherein learned counsels for both parties tendered attendance. Learned counsel for the Petitioner reiterated the same contentions as given in the review petition and contended that the impugned detection bill was debited to the Respondent on account of the dead stop meter, which was reduced from six months to two months only. Learned counsel for the Petitioner prayed for acceptance of the review petition and decision on merits.
- 6.2 On the contrary, learned counsel for the Respondent opposed the pleadings of the Petitioner and argued that the dispute of the billing from November 2017 to January 2020 was challenged before the POI but the said forum determined the fate of entire bills since the date of installation of the impugned meter in May 2016. Learned counsel for the



National Electric Power Regulatory Authority

Respondent submitted that the NEPRA vide impugned decision has rightly analyzed the matter and the bills for the undisputed period were excluded while deciding the fate of excessive billing. Learned counsel for the Respondent finally prayed for the dismissal of the review petition being devoid of merits.

7. Arguments were heard and the record was examined. Following are our observations:

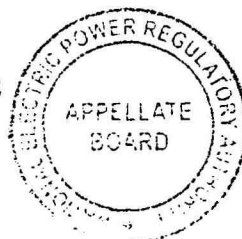
7.1 As per the available record, the billing meter of the Respondent was found dead stop during the checking dated 25.02.2021 of the Petitioner. Therefore, the Petitioner charged a detection bill of Rs.3,572,239/- against 141,564 units for six months for the period from August 2020 to January 2021 to the Respondent based on 40% load factor of the connected load i.e. 82.524 kW, which was assailed by him before the POI.

7.2 During the hearing, the Petitioner pointed out that the honorable Supreme Court of Pakistan vide order dated 17.05.2023 remanded back the matter to NEPRA to revisit clause 4.4(e) of the CSM-2010 (existing clause 4.3.3 of the CSM-2021), hence the decision in the subject appeal be rendered after redetermination of the period of slowness by the Authority.

7.3 It is clarified that after detailed deliberation with the stakeholders i.e. distribution companies and consumers, 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."

7.4 In the light of the foregoing order of the Authority, we are of the considered view that the charging of the detection bill beyond two billing cycles is inconsistent with the foregoing clause of the CSM-2021, therefore the detection bill of Rs.3,572,239/- against 141,564 units



for six months for the period from August 2020 to January 2021 debited to the Respondent is unjustified and the same is liable to be cancelled as already determined by the POI.

7.5 Defectiveness in the impugned billing meter of the Respondent was observed by the M&T team of the Petitioner on 25.02.2021, therefore, the Respondent is liable to be charged the detection bill maximum for two billing cycles before checking dated 25.02.2021 according to Clause 4.3.1(b) of the CSM-2021. Moreover, the bills w.e.f checking dated 25.02.2021 and onwards till the replacement of the impugned meter be charged on DEF-EST code and the Respondent is liable to pay the same. 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.3,572,239/- against 141,564 units for six months for the period from August 2020 to January 2021 debited to the Respondent is unjustified and the same is cancelled.


8.2 The Respondent may be charged the revised detection bill for two billing cycles before checking dated 25.02.2021 and onward bills till the replacement of the impugned meter on DEF-EST code, according to Clause 4.3.1(b) of the CSM-2021.


8.3 The billing account of the Respondent be overhauled after adjusting payments made against the impugned detection bill.

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

On leave
Abid Hussain
Member/Advisor (CAD)

Dated: 09-10-2024


Naweed Illahi Sheikh
Convener/DG (CAD)


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

