



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

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No. NEPRA/Appeal/091/2021/ 10/4

December 03, 2024

- | | |
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| 1. M/s. Immi Garments (Pvt.) Ltd,
Through its Chief Operating Officer,
Situated at 24.5 KM, Badian Road,
Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Ch. Fiaz Ahmad Sanghairah,
Advocate Supreme Court,
Anab Centre, 2 nd Floor,
1-Mozang Road, Lahore
Cell No. 0300-4346032 | 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,
Bedian Road 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 20.11.2023 of the Appellate Board in the Matter Titled "LESCO Vs. M/s. Immi Garments (Pvt.) Ltd."**

Please find enclosed herewith the decision of the Appellate Board dated 03.12.2024 (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 of the Appellate Board on the 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 20.11.2023
OF NEPRA IN THE APPEAL NO.091/POI-2021**

Lahore Electric Supply Company Limited

.....Petitioner

Versus

M/s. Immi Garments (Pvt.) Ltd,
Situating at 24.5 KM, Badian Road, Lahore

.....Respondent

For the Petitioner:

Ch. Fiaz Ahmed Sanghera Advocate

For the Respondent:

Mr. A.D Bhatti Advocate

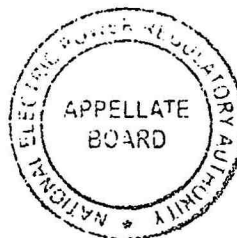
DECISION

1. Through this decision, the review petition filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Petitioner") against the decision dated 20.11.2023 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.091/POI-2021 titled "LESCO Vs. M/s. Immi Garments" is being disposed of.
2. Briefly speaking, M/s. Immi Garments (hereinafter referred to as the "Respondent") is an industrial consumer of the Petitioner bearing Ref No.24-11525-9012800-U with a sanctioned load of 146 kW and the applicable Tariff category is B-2(b). The metering & Testing ("M&T") team of the Petitioner checked the metering equipment of the Respondent on 21.07.2020 and reportedly, the billing meter was found running slow and the backup meter was found okay. Therefore, a detection bill of Rs.3,057,354/-was debited to the Respondent due to the difference in readings between the billing and backup meters and added to the bill for July 2020. The billing of the Respondent was shifted by the Petitioner on the backup meter in August 2020.

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3. Being aggrieved, the Respondent filed a complaint dated 20.08.2020 before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") and challenged the above detection bill. During joint checking of the POI on 03.03.2021, the impugned billing meter was found 33.3% slow and the backup meter was functioning correctly. The complaint of the Respondent was disposed of by the POI vide the decision dated 07.04.2021, wherein the detection bill of Rs.3,057,354/- was debited to the Respondent due to the difference of readings between the billing and backup meters and added to the bill for July 2020 was cancelled and the Petitioner was allowed to revise the bills for two months i.e. June 2020 and July 2020 @ 33.3% slowness of the impugned meter. Against which the Petitioner filed Appeal No.091/POI-2021. NEPRA Appellate Board vide decision dated 20.11.2023 (hereinafter referred to as the "impugned decision") disposed of the appeal with the following conclusion:

"In view of what has been stated above, it is concluded that the detection bill of Rs.3,057,354/- debited to the Respondent due to the difference of readings between the billing and backup meters and added to the bill for July 2020 is unjustified being contrary to Clause 4.4(e) of the CSM-2010 and the same is cancelled. The Respondent may be charged the revised detection bill for two billing cycles prior to checking dated 21.07.2020 to account for 33% slowness of the meter as per Clause 4.4(e) of the CSM-2010. The billing account of the Respondent be overhauled after adjusting payments made against the above detection bill. The appeal is disposed of in the above terms."

4. The Petitioner filed a review petition before the NEPRA on 15.01.2024, wherein the impugned decision has been opposed, *inter alia*, mainly on the main grounds; (1) the honorable forum misconstrued the fact and allowed the recovery of 33% slowness for two months instead of difference of readings; (2) the backup meter was found working ok then why readings of the said meter were not taken into consideration; (3) the Respondent was charged the difference bill instead of detection bill, hence Clause 4.4 of the CSM-2010 is not applicable in the instant case; (4) the review petition be accepted and the impugned decision be set aside.
5. Hearing in the matter of the subject review petition was scheduled for 13.09.2024 at NEPRA Regional Office Lahore for which notices dated 09.09.2024 were issued to both parties (the Petitioner and Respondent). On the date of the hearing, learned counsel for both parties were present. At the outset of the hearing, learned counsel for the Respondent raised the preliminary objection regarding limitation and argued that the appeal was decided by this Appeal No.091/POI-2021

forum on 20.11.2023 against which the Petitioner filed the review petition on 15.01.2024, which is time-barred being filed after the lapse of 30 days as envisaged in NEPRA (Review Procedure) Regulations, 2009. Reliance in this regard is placed on the various judgments of superior courts reported as PLD 2004 Lahore 91, PLJ 2004 Lahore 95, and 2017 YLR 229. On the contrary, learned counsel for the Petitioner appearing in person rebutted the contention of the Respondent regarding limitation and prayed that the review petition be decided on merits instead of technical grounds. On merits, learned counsel for the Petitioner reiterated the same contentions as given in the memo of the review petition and stated that the impugned decision was rendered without considering the facts as the difference bill was charged instead of the detection bill, hence the reliance on the impugned decision on Clause 4.4 of the CSM-2010 is not correct. Learned counsel for the Petitioner prayed for acceptance of review and the decision after due consideration of the facts of the case.

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

6.1 While addressing the preliminary objection of the Respondent regarding the limitation, it is observed that the impugned decision was announced by the NEPRA on 20.11.2023 against which the Petitioner filed the instant review petition before the NEPRA on 15.01.2024 after a lapse of fifty-six (56) days from the date of communication of said order i.e.20.11.2023. As per Regulation 3(3) of the NEPRA (Review Procedure) Regulations, 2009, the period of limitation for filing a review petition against any other order, decision, or determination of NEPRA not covered under Rule 16(6) of NEPRA Tariff (Standards & Procedure) Rules, 1998 shall be 30 days from the date of communication of such order, decision or determination. The Petitioner neither submitted an application for condonation of delay nor could justify the inordinate delay in filing the instant review petition.

6.2 In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 20.11.2023. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.



National Electric Power Regulatory Authority

7. In view of the above, the instant review motion of the Petitioner is dismissed being time-barred as well as devoid of merits, and the decision dated 20.11.2023 of the Appellate Board is upheld.

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 03-12-2024

