



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

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No. NEPRA/Appeal/013/2023/ 183

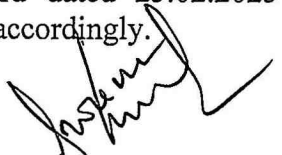
February 25, 2025

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| 1. Muhammad Talha,<br>S/o. Muhammad Akhtar,<br>Prop: Hania Food Industries,<br>6-KM, Gujranwala Road, Sheikhpura<br>Cell No. 0332-2238382            | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore  |
| 3. Mian Muhammad Mudassar Bodla,<br>Advocate Supreme Court,<br>Syed Law Chambers,<br>4-Mozang Road, Lahore<br>Cell No. 0321-4386312,<br>0333-4362312 | 4. Qazi Muhammad Arshad Bhatti,<br>Advocate Supreme Court of Pakistan,<br>2 <sup>nd</sup> Floor, Irfan Chambers,<br>1-Fane Road, Mozang Adda,<br>Lahore<br>Cell No. 0300-8165878 |
| 5. Sub Divisional Officer,<br>LESCO Ltd,<br>Waris Shah Sub Division,<br>Sheikhpura   | 6. POI/Electric Inspector,<br>Gujranwala Region,<br>Energy Department, Govt. of Punjab,<br>Munir Chowk, Near Kacheri Road,<br>Gujranwala   |

Subject: **Appeal No.013/2023 (LESCO Vs. Muhammad Talha) Against the Decision Dated 30.11.2022 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala**

Please find enclosed herewith the decision of the Appellate Board dated 25.02.2025 (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 of the Appellate Board on the NEPRA website



# National Electric Power Regulatory Authority

## Before The Appellate Board

In the matter of

### Appeal Nos.013/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Talha S/o. Muhammad Akhtar, Prop: Hania Food  
Industries, 6-KM, Gujranwala Road, Sheikhpura

.....Respondent

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

### For the Appellant:

Mian Muhammad Mudassar Bodla Advocate  
Mr. Humayun Anwar RO

### For the Respondent:

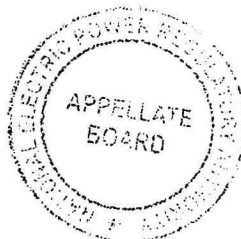
Mr. Muhammad Afzal Shuja Advocate

## 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 30.11.2022 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Muhammad Talha (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-11614-0005703 with a sanctioned load of 400 kW and the applicable Tariff category is B-2(b). Display of the billing meter of the Respondent became defective in August 2021, therefore a bill of Rs.173,305/- was charged by the Appellant in August 2021. Later on, a check meter was installed in series with the impugned meter of the Respondent by the Appellant on 20.01.2022. Subsequently, the billing of the Respondent was shifted on the check meter by the Appellant w.e.f 22.02.2022 and onwards.

Appeal Nos.013/POI-2023

Page 1 of 5



3. Being aggrieved, the Respondent filed three complaints before the POI and challenged the above detection bill along with the bills for the period from August 2021 to January 2022. The electricity connection of the Respondent was disconnected by the Appellant in April 2022 due to non-payment of electricity dues. The complaints of the Respondent were clubbed and disposed of by the POI vide the single consolidated decision dated 30.11.2022, the operative portion of which is reproduced below:

*“7. In the light of above facts, it is held that the disputed meter was correct till 07/2021 and it became defective with effect from 08/2021 to 01/2022 whereas the billing charged from 08/2021 to 01/2022 and detection bill Rs.1,73,503.34 (added in bill for 08/2021 as adjustment) are excessive, void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. It is further held that the respondents are entitled to charge the petitioner revised billing @ 18735 units/120KW MDI per month against the months 10/2021 to 01/2022 (11 preceding months average) and 23200 units/120KW MDI against 08/2021, 28960 units/259KW MDI against 09/2021 & 20000 units/125KW against 10/2021 (corresponding months of previous year consumption etc as elaborate in finding-C above of above paragraph-6) and the petitioner is liable to pay the same. The respondents are directed to restore the connection of the petitioner without any RCO fee and minimum fixed charges etc. The respondents are directed to over-haul the account of the petitioner and any excess amount recovered be refunded to the petitioner accordingly.”*

4. Subject appeal was filed by the Appellant before the NEPRA against the above-referred decision of the POI. In its appeals, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the impugned decision is against the law and facts of the case; that the POI failed to check the site as well as the impugned meter; that the Respondent has no locus standi to file the titled petition as he is not registered consumer of the Appellant; that the impugned decision with regard to the bill of Rs.173,503/- charged in August 2021 is not correct and the Respondent has not challenged the abovesaid bill before the POI; that the bills were charged based on actual consumption, hence reliance of POI upon Clause 4.3.1(b) of the CSM-2021 is wrong; that the POI failed to consider the comparison of the billing and backup meters; and t; and that the impugned decision is liable to be set aside.



## National Electric Power Regulatory Authority

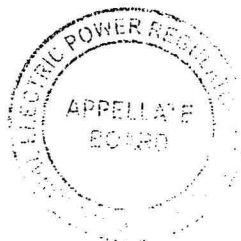
5. Proceedings by the Appellate Board:

Upon the filing of the instant appeal, a notice dated 08.02.2023 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 07.07.2023. In his reply, the Respondent rebutted the version of the Appellant and submitted that the excessive billing was done by the Appellant during the period from August 2021 to January 2022. The Respondent further submitted that the above bills were challenged before the POI, who after correct perusal of the record and billing history of the connection under dispute rendered the impugned decision. As per Respondent, he is the owner of the premises, where the industrial connection is installed, hence objection of the Appellant regarding authorization has no weightage in the eyes of the law. The Respondent defended the impugned decision and prayed for the dismissal of the appeal.

6. Hearing:

6.1 A hearing was conducted at NEPRA Regional Office Lahore on 01.11.2024 which was attended by both parties. Learned counsel for the Appellant repeated the same contention as given in memo of the Appeal and contended that the bills were charged to the Respondent from August 2021 to January 2022 as per consumption recorded by the impugned meter. Learned counsel for the Appellant further contended that the Respondent has no authorization to raise the dispute before the POI as he is not the registered consumer of the Appellant. As per learned counsel for the Appellant, the POI neither checked the accuracy of the impugned meter nor verified the consumption pattern of both the billing and backup meters and afforded relief beyond the prayer of the Respondent. According to learned counsel for the Appellant, no detection bill was charged to the Respondent, however, the lower forum misconstrued the fact of the case and cancelled the legitimate bill of August 2021 by declaring it as a detection bill. Learned counsel for the Appellant finally prayed for setting aside the impugned decision.

6.2 On the contrary, the representative for the Respondent repudiated the version of the Appellant regarding charging the bills and averred that the irregular billing was done by the Appellant during the period from August 2021 to January 2022, which was challenged before the POI. As per the representative for the Respondent, the above bills were rightly revised by the POI, as such the impugned decision is based on the facts and applicable law, and the same is liable to be maintained.



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

7.1 Preliminary objection regarding Locus standi:

The Appellant raised preliminary objection in respect of *locus standi* and submitted that the registered consumer is Syed Ghayoor Abbas but the application was filed before POI by Mr. Muhammad Talha. The Appellant pointed out that such objection was raised before POI but the same was not entertained. From the record placed before us, it is revealed that Syed Ghayoor Abbas is the registered consumer of the Appellant, whereas the application before POI was filed by Mr. Muhammad Talha, who is the owner of the premises namely M/s. Hania Food Industries, where the industrial connection was installed by the Appellant. As per the definition given in Section 2(iv) of the NEPRA Act, the Respondent should be treated as the consumer of the Appellant being the occupant of the premises. Relevant excerpt in this regard is replicated below:

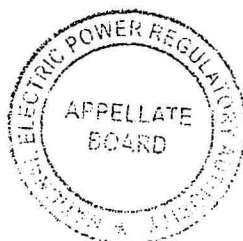
*(iv) "consumer" means a person or his successor-in-interest who purchases or receives electric power for consumption and not for delivery or re-sale to others, including a person who owns or occupies a premises where electric power is supplied;*

In view of the above, the objection of the Appellant is devoid of force and, therefore rejected.

7.2 Bills for the period from August 2021 to January 2022:

Admittedly, the display of the impugned billing meter of the Respondent became defective in August 2021. Subsequently, the Appellant installed a check meter in series with the impugned meter of the Respondent on 20.01.2022 and thereafter shifted the billing of the Respondent on the check meter w.e.f 22.02.2022 and onwards. M&T team of the Appellant vide report dated 08.11.2022 declared the impugned meter as defective (internally burnt) and data could not be downloaded. The Respondent disputed the bills for the period from August 2021 to January 2022 before the POI, who vide impugned decision decided the fate of the disputed bills. Against which the Appellant preferred the instant appeal.

7.3 In the instant case, the impugned meter became defective in August 2021 and it was subsequently replaced with a new meter on 22.02.2022 after a lapse of six months, which is contrary to Clause 4.3.1(b) of the CSM-2021. Said clause of the CSM-2021 restricts the Appellant to replace the defective meter within two billing cycles. Due to negligence on the part of the Appellant, the billing dispute raised between the parties. The Appellant even failed to retrieve the data of the impugned meter. Even failed to justify their contention





## National Electric Power Regulatory Authority

before the POI with regard to the above bills.

7.4 To reach just conclusion, the consumption data of the Respondent as provided by the Appellant is analyzed in the below table:

Period before dispute			Disputed period			Last eleven months		
Month	Units	MDI	Month	Units		Month	Units	MDI
Aug-20	23200	99	Aug-21	26560	256	Sep-20	28960	259
Sep-20	28960	259	Sep-21	50080	256	Oct-20	20000	125
Oct-20	20000	125	Oct-21	50080	349	Nov-20	10400	99
Nov-20	10400	99	Nov-21	40000	347	Dec-20	4480	0
Dec-20	4480	0	Dec-21	60000	349	Jan-21	7520	112
Jan-21	7520	112	Jan-22	50080	146	Feb-21	8960	
						Mar-21	20320	
						Apr-21	25920	
						May-21	31040	
						Jun-21	17440	
						Jul-21	31040	
Average	15760	116	Average	46133	284	Average	18735	119


The above table shows that the consumption charged during the disputed period is much higher than the consumption of the corresponding months of the previous year as well as the average consumption of the last eleven months. This confirms that the Appellant debited excessive bills for the period from August 2021 to January 2022 to the Respondent with fictitious readings. Under these circumstances, we are inclined to agree with the impugned decision for cancellation of the bills for the period from August 2021 to January 2022.


7.5 Similarly, the determination of the POI for revision of the bills for the period from August 2021 to January 2022 on the DFE-EST code is consistent with Clause 4.3.1(b) of the CSM-2021.

8. Foregoing in view, the appeal is dismissed.

On leave  
Abid Hussain  
Member/Advisor (CAD)

Dated: 25-02-2025

  
Naweed Illahi Sheikh  
Convener/DG (CAD)

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

