



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: ikramshakeel@nepra.org.pk

No. NEPRA/Appeal/016/2024/ 227

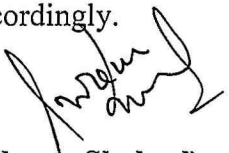
March 13, 2025

- | | |
|--|--|
| 1. Muhammad Abdul Sattar,
S/o. Muhammad Gulzar Ahmad,
R/o. House No. 141-C,
Rehmapura, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Inam-ul-Haq Pasha,
Advocate High Court,
Inam Law Associates,
56-Hajveri Complex,
2-Mozang Road, Lahore
Cell No. 0321-4435792 | 4. Mazhar Jamil,
Advocate High Court,
7-Main Gulberg, Lahore
Cell No. 0300-4005227 |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Rehman Pura Sub Division,
Lahore | 6. 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.016/2024 (LESCO Vs. Muhammad Abdul Sattar) Against the Decision Dated 26.07.2023 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 13.03.2025 (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

Appeal No.016/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Abdul Sattar S/o. Muhammad Gulzar Ahmed,
R/o. House # 141-C, Rehmapura, 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 Aleem Mustafa SDO

For the Respondent:

Mr. Mazhar Jamil Advocate

DECISION

1. Brief facts of the case are that Muhammad Abdul Sattar (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.24-11512-2061902-U having sanctioned load of 50 kW and the applicable tariff category is B-2(b). The metering equipment of the Respondent was checked by the M&T team of the Appellant on 23.01.2019 and reportedly the billing meter was found 33% slow. Resultantly, a detection bill of Rs. 335,715/- against 17,170 units+74 kW MDI for the period from July 2018 to December 2018 (six months) was debited to the Respondent @ 33% slowness of the impugned meter and added to the bill for February 2019.
2. Being aggrieved with the above-mentioned actions of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") and challenged the impugned detection bill. The matter was decided *ex-parte* by the POI vide decision dated 26.07.2023 (hereinafter referred to as the "impugned decision"), wherein the detection bill of Rs.335,715/- charged in February 2019 was declared null and void.

Appeal No.016/POI-2024

Page 1 of 4

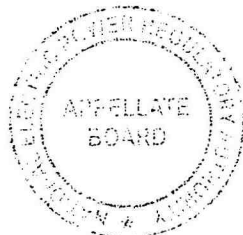


164



National Electric Power Regulatory Authority

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the impugned decision. In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the grounds that no right of audience was provided to the Appellant while deciding the complaint; that the impugned decision is based on surmises and conjectures; that the POI violated in utter contravention of mandatory provisions of law, nullity against which no limitation runs; that the POI did not apply his judicious mind and passed the impugned decision on illegal assumptions and presumptions; and that the impugned decision is liable to be set aside.
4. The parties were noticed on 11.03.2024 for filing reply/para-wise comments, which were filed on 19.03.2024. In the reply, the Respondent submitted that the Appellant served a notice dated 28.01.2019 regarding 33% slowness of the meter and charged a detection bill of Rs. 335,175/- in February 2019. The Respondent further submitted that the Appellant was approached for withdrawal of the same but the Appellant did not take any action to resolve the dispute. As per Respondent, the POI vide impugned decision cancelled the impugned bill. According to the Respondent, he approached the Appellant repeatedly for implementation of the impugned decision but all in vain. The Respondent stated that the impugned decision is justified and the same is liable to be upheld in the best interest of justice.
5. Hearing was conducted at NEPRA Regional Office Lahore on 01.11.2024, wherein both parties tendered appearance. The representative for the Appellant contended that the billing meter of the Respondent was found 33% slow during the M&T team checking dated 23.01.2019, therefore a detection bill of 17,170 units+74 kW MDI for the period from July 2018 to December 2018 was debited to the Respondent @ 33% slowness of the meter and added to the bill for February 2019. 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. The Appellant prayed that the impugned decision is unjustified as being pronounced without affording the opportunity of hearing to the Appellant and the same is liable to be struck down. On the contrary, learned counsel for the Respondent rebutted the contention of the Appellant and argued that the impugned detection bill of 17,170 units+74 kW MDI for the period from July 2018 to December 2018 (six months) was debited by the Appellant without adhering to the procedure as laid down in Chapter 4 of the Consumer Service Manual 2010 (the "CSM-2010"). Learned counsel for the Respondent defended the impugned decision for cancellation of the above detection bill and prayed for upholding the same.



11.



National Electric Power Regulatory Authority

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

6.1 As per the available record, the billing meter of the Respondent was found 33% slow during checking dated 23.01.2019. Therefore, the Appellant charged a detection bill of Rs. 335,715/- against 17,170 units+74 kW MDI for the period from July 2018 to December 2018 to the Respondent @ 33% slowness of the meter, which was challenged before the POI.

6.2 It is observed that the Appellant neither joined the proceedings before the POI for verification of the alleged 33% slowness of the impugned meter nor could adhere to the procedure as laid down in Chapter 4 of the CSM-2010.

6.3 To further check the justification of the detection bill, the consumption data of the Respondent as provided by the Appellant is analyzed in the table below:

period before dispute		disputed period		period after dispute	
Month	Units	Month	Units	Month	Units
Jul-17	6960	Jul-18	4900	Jul-19	6080
Aug-17	6040	Aug-18	4160	Aug-19	6140
Sep-17	5340	Sep-18	4540	Sep-19	4980
Oct-17	5260	Oct-18	6840	Oct-19	8260
Nov-17	3520	Nov-18	10520	Nov-19	8910
Dec-17	2120	Dec-18	3900	Dec-19	6630
Total	29240	Total	34860	Total	41000

6.4 The above consumption analysis shows that the impugned meter recorded considerably less consumption during the disputed period as compared to the consumption of corresponding months of the succeeding year. However, Clause 4.4(e) of the CSM-2010 restricts the Appellant to debit the detection bill maximum of two months to the Respondent in case of a slow meter, whereas the Appellant debited the detection bill for six (06) months in contravention of the provisions of the said clause of the CSM-2010. The Appellant did not bring concrete evidence in support of their contention with regard to charging the impugned detection bill.

6.5 Under these circumstances, we are inclined to agree with the determination of the POI for cancellation of the detection bill of Rs. 335,715/- for 17,170 units+74 kW MDI for the period from July 2018 to December 2018 (six months) charged by the Appellant in February 2019.

6.6 The Respondent may be charged the detection bill for maximum two billing cycles prior to checking dated 23.01.2019 @ 33% slowness of the impugned meter as per Clause 4.4(e) of





National Electric Power Regulatory Authority


the CSM-2010. Moreover, the bills w.e.f checking dated 23.01.2019 and onwards till the replacement of the impugned meter be revised by raising MF due to 33% slowness, pursuant to Clause 4.4(c) of the CSM-2010. Impugned decision is liable to be modified to this extent.


6.7 The billing account of the Respondent may be overhauled, accordingly.

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

On leave
Abid Hussain
Member/Advisor (CAD)

Dated: 13-03-2025


Naweed Illahi Sheikh
Convener/DG (CAD)


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

