



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

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No. NEPRA/Appeal/020/2024/ *///*

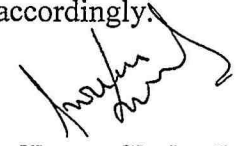
February 06, 2025

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|--|---|
| 1. Javaid Aslam,
S/o. Muhammad Aslam,
R/o. House No.11, Street No. 02,
Bedian Road, Lahore | 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,
0333-4350899 | 4. Assistant Manager (Operation),
LESCO Ltd,
Anarkali Sub Division,
Lahore |
| 5. POI/Electric Inspector
Lahore Region-I, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore | |

Subject: **Appeal No.020/2024 (LESCO Vs. Javaid Aslam) Against the Decision Dated 13.06.2023 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-I, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 06.02.2025 (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 No.020/POI-2024

Lahore Electric Supply Company LimitedAppellant

Versus

Javaid Aslam S/o. Muhammad Aslam,
R/o. House No.11, Street No.02, Bedian Road, LahoreRespondent

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

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

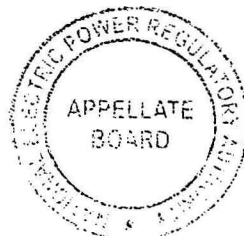
For the Respondent:

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DECISION

1. Brief facts leading to the filing of instant appeal are that Javaid Aslam (hereinafter referred to as the "Respondent") is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref. No.15-11331-1363800-U with a sanctioned load of 2 kW and the applicable Tariff category is A-1. M&T team of the Appellant checked the meter of the Respondent on 29.07.2020 and reportedly, the Respondent was found stealing electricity through tampering with the meter. Notice dated 30.07.2020 was issued to the Respondent regarding the above discrepancy and a detection bill of Rs.435,954/- against 15,429 units for sixteen (16) months for the period from April 2019 to July 2020 was charged by the Appellant to the Respondent based on the connected load and added to the bill for August 2020.
2. The Respondent approached the Appellant for review of the above detection bill. In response, the Appellant charged the revised detection bill of Rs.172,068/- to the Respondent in November 2022.

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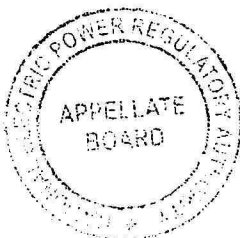


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3. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") on 11.01.2023 and challenged the above detection bill. Subsequently, the matter was disposed of by the POI vide the ex-parte decision dated 13.06.2023, wherein the detection bill of Rs.172,068/- was cancelled and the Appellant was directed to overhaul the billing account of the Respondent, accordingly.
4. Subject appeal has been filed against the afore-referred decision dated 13.06.2023 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA, wherein it is contended that the billing meter of the Respondent was found tampered during the M&T checking dated 29.07.2020 for the dishonest abstraction of electricity, therefore, a detection bill of Rs.435,954/- against 15,429 units for sixteen (16) months for the period from April 2019 to July 2020 was charged to the Respondent, which was subsequently revised for Rs.172,068/-. As per the Appellant, neither any notice was served by the POI nor was intimation given by the said forum. According to the Appellant, the POI rendered the ex-parte decision, which carries no sanctity in the eyes of the law, and the same is liable to be set aside.
5. Upon the filing of the instant appeal, a Notice dated 13.03.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
6. The hearing was fixed for 13.09.2024 at NEPRA Regional Office Lahore, wherein learned counsel appeared for the Appellant and the Respondent did not appear. During the hearing, learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that the billing meter of the Respondent was checked by the M&T team on 29.07.2020, wherein it was declared tampered, therefore, a detection bill amounting to Rs.435,954/- against 15,429 units for sixteen (16) months for the period from April 2019 to July 2020 was debited to the Respondent, which was subsequently revised for Rs.172,068/- As per learned counsel for the Appellant, the POI neither issued notice nor gave any intimation and rendered the ex-parte decision, which is not sustainable in the eyes of law and liable to be struck down.

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

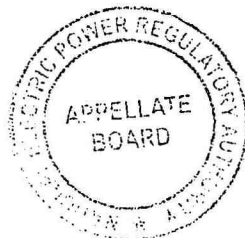
7.1 Detection bill of Rs.435,954/- against 15,429 units from April 2019 to July 2020:

In the instant case, the Appellant claimed that M&T on 29.07.2020 detected that the impugned meter of the Respondent was intentionally tampered for committing theft of electricity. Thereafter, the Appellant debited a detection bill of Rs.435,954/- against 15,429 units for sixteen (16) months for the period from April 2019 to July 2020 to the Respondent, which was subsequently revised for Rs.172,068/-. The Respondent challenged the revised detection bill of Rs.172,068/- before the POI. The said forum cancelled the revised detection bill of Rs.172,068/- against which the Appellant filed an instant appeal before the NEPRA.

7.2 Having found the above discrepancies, the Appellant was required to follow the procedure stipulated in Clause 9.1(b) of the CSM-2010 to confirm the illegal abstraction of electricity by the Respondent and thereafter charge the Respondent accordingly. However, in the instant case, the Appellant has not followed the procedure as stipulated under the ibid clause of the CSM-2010. As per the judgment of the Supreme Court of Pakistan reported in *PLD 2012 SC 371*, the POI is the competent forum to check the metering equipment, wherein theft of electricity was committed through tampering with the meter and decide the fate of the disputed bill, accordingly. However, in the instant case, the Appellant cannot join the proceedings before the said forum.

7.3 To further verify the allegation of the Appellant regarding theft of electricity through tampering with the meter, the consumption data of the Respondent is examined in the below table:

Period before dispute		Disputed period		Period after dispute	
Month	Units	Month	Units	Month	Units
Dec-17		Apr-19	225	Aug-20	654
Jan-18	103	May-19	269	Sep-20	381
Feb-18	0	Jun-19	294	Oct-20	181
Mar-18	80	Jul-19	41	Nov-20	0
Apr-18	0	Aug-19	138	Dec-20	1222
May-18	330	Sep-19	182	Jan-21	587
Jun-18	20	Oct-19	89	Feb-21	510
Jul-18	24	Nov-19	294	Mar-21	626
Aug-18	10	Dec-19	68	Apr-21	718





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Sep-18	17	Jan-20	55	May-21	911
Oct-18	13	Feb-20	81	Jun-21	996
Nov-18	14	Mar-20	265	Jul-21	1097
Dec-18	19	Apr-20	448	Aug-21	0
Jan-19	14	May-20	605	Sep-21	576
Feb-19	10	Jun-20	139	Oct-21	13
Mar-19	16	Jul-20	145	Nov-21	135
Average	45	Average	209	Average	538
Detection bill @ 1171 units/month					

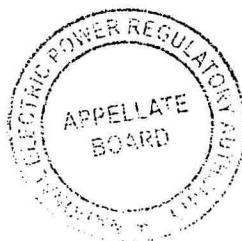
7.4 Perusal of the above consumption data, it is observed that the average consumption charged @ 209 units/month for the disputed period from April 2019 to July 2020 is much less than the average consumption of the periods before and after the dispute. This indicates that the Respondent was involved in the illegal abstraction of electricity through tampering with the meter. However, the detection bill charged @ 1,171 units/month is much higher than the average consumption of the periods before and after the dispute. Even otherwise, the Appellant may debit the detection bill maximum of three months to the Respondent being a general supply consumer i.e.A-1 in the absence of approval of the CEO as per Clause 9.1c(3) of the CSM-2010, whereas the Appellant debited the revised detection bill for six months to the Respondent due to the theft of electricity and could not provide any detail of above-said revised detection bill, which is in contravention of above-mentioned clause of the CSM-2010. Hence, we are inclined to agree with the determination of the POI for the cancellation of the revised detection bill of Rs.172,068/-.

7.5 Since the Respondent neither submitted a reply nor appeared before this forum to defend the theft case despite affording repeated opportunities for hearing, it would be fair and appropriate to charge the revised detection bill for three months i.e. May 2020 to July 2020 based on connected load i.e. 5.027 kW, being higher as per Clause 9.1c(3) of CSM-2010. Calculation in this regard is done below:

Period: May 2020 to July 2020

$$\begin{aligned}\text{Total units to be charged} &= \text{C/L (kW)} \times \text{LF} \times \text{No. of Hrs.} \times \text{No. of Months} \\ &= 5.027 \times 0.25 \times 730 \times 03 = 2,752 \text{ units}\end{aligned}$$

7.6 In view of the above, the Respondent is liable to be charged the revised detection bill for 2,752 units for three months as calculated in the above table. The impugned decision is liable to be modified to this extent.





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8. In view of what has been stated above, it is concluded that:


8.1 The detection bill of Rs.435,954/- against 15,429 units for sixteen (16) months for the period from April 2019 to July 2020 and subsequent revision of the same for Rs.172,068/- are unjustified and cancelled.


8.2 However, the Respondent may be charged the revised detection bill for 2,752 units for three months i.e. May 2020 to July 2020 on the basis of connected load i.e. 5.027 kW being higher as per Clause 9.1c(3) of the CSM-2010.

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

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


Abid Hussain
Member/Advisor (CAD)


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


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 06-02-2025

