



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

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No. NEPRA/AB/Appeal-005/POI-2015/ 544-547

June 04, 2015

1. Muhammad Waseem Mustafa,  
Through Arslan Khalid,  
S/o Khalid Saif Ullah,  
R/o Street No. 1, Sarfraz Patwari,  
Near Al-Saeed Chowk,  
Sharqpur Road, Lahore

2. The Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore

3. Ch. Khalil Ur Rehman,  
Advocate High Court,  
Haji Chambers, 4-Mozang Road,  
Lahore

4. The AMO/Sub Divisional Officer,  
LESCO Ltd,  
Faizpur Sub Division,  
Lahore

Subject: Appeal Titled LESCO Vs. Muhammad Waseem Mustafa Against the Decision Dated 16.12.2014 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the order of the Appellate Board dated 04.06.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-005/POI-2015/ 548

June 04, 2015

Forwarded for information please.

*M. Qamar Uz Zaman*  
Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Lahore Region
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)
5. Member (Licensing)

*- Dir/Reg-I*  
*- M/F*

*8/06/15*

Registrar	6252
Dy No.....	
Dated 08-06-15	



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-005/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mr. Muhmmad Waseem Mustafa through Mr. Arslan Khalid S/O Khalid Saif Ullah Resident of Gali No.1, Sarfraz Patwari, Near Al-Saeed Chowk, Sharqpur Road, Lahore.

.....Respondent

Date of Hearing:

04/05/2015

For the Appellant:

Ch. Khalil ur Rehman Advocate

For the Respondent:

Nemo

## ORDER

1. This order shall dispose of appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 16.12.2014 of the Provincial Office of Inspection/Electric Inspector Lahore Region, Lahore (hereinafter referred to as POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act").

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## National Electric Power Regulatory Authority

2. Brief facts giving rise to the instant appeal are that LESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is an industrial consumer of LESCO bearing Ref No.46-11124-0104602 with the sanctioned load of 07 kW under B-1b tariff. The respondent received a detection bill of Rs.80,853/- in the billing month of April 2014. Subsequently, the meter of the respondent was checked by LESCO and its display was found vanished and a detection bill of Rs.91,712/- of 3,833 units for the period May 2014 to July 2014 was added in the bill of September 2014.
3. Being aggrieved with the aforementioned detection bills, the respondent challenged the same before POI vide his applications dated 20.05.2014 and 16.10.2014. In response, LESCO contested the case before POI and stated that the detection bills were justified and the respondent was liable to pay the same.
4. The complaint was decided by POI vide his decision dated 16.12.2014 and operative portion of the decision is reproduced below:

*"Summing up the foregoing discussion, it is held that the total impugned detection bill amounting to Rs.80,853/- for 3833 units added in the bill for 04/2014 and the second detection bill amounting to Rs.91,712/- charged as arrears in the bill for 09/2014 are void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. However, the respondents are allowed to charge revised monthly bills from 11/2013 onward till the replacement of the impugned defective meter in 10/2014 on the basis of the average consumption recorded during the corresponding period of the previous year i.e. 01/2012 to 12/2012 (being undisputed between the parties) after excluding the already charged units during the said period. The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills.*

*The petition is disposed of in above terms."*

5. Being aggrieved with the above decision dated 16.12.2014 of POI, LESCO has filed the instant appeal through Ch.Khalil ur Rehman Advocate before NEPRA under section 38 (3) of the Act.



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In the appeal, LESCO stated that on checking of the meter of the respondent its display was found vanished therefore, detection bills which are charged are legal and lawful. Finally LESCO prayed as under:

*"In view of the above submissions, it is most respectfully prayed that appeal may please be accepted, impugned order/decision dated 16.12.2014 passed by Electric Inspector, Government of the Punjab, Lahore Region, Lahore may kindly be set aside and the Petition of the Respondent before the learned Lower Court may please be dismissed with costs.*

*It is further prayed that pending decision of the appeal, operation of the impugned order/decision dated 16.12.2014 passed by Electric Inspector, Government of the Punjab, Lahore Region, Lahore may kindly be suspended.*

*Any other relief, which this Honourable Court deems fit and proper may also be awarded to the Appellants."*


6. In response to the instant appeal, a notice was issued to the respondent for filing reply/parawise comments which were, however, not submitted.
7. The appeal was heard in Lahore on 04.05.2015 in which Ch. Kahlil ur Rehman Advocate appeared for LESCO but there was no representation for the respondent. Despite non appearance of the respondent it was decided to hear the arguments of the counsel for LESCO and conclude the case on the basis of his arguments and available record. The counsel for LESCO stated that the meter of the respondent was checked on 19.08.2014 and the display was found vanished. He contended that detection bills were charged to the respondent and in April 2014 and for the period May 2014 to July 2014 to recover the revenue loss during that period. On the query of Appellate Board as to how the billing was made in the past months when display of the meter was found vanished the counsel for LESCO could not furnish any explanation or reply. Obviously, the respondent was charged as per displayed dial reading.
8. We have heard arguments of the counsel for LESCO and examined the record placed before us. Following are the observations:



## National Electric Power Regulatory Authority

- i. Detection bill of Rs.80,853/- was charged to the respondent in April 2014 but neither the detection performa nor any explanation or justification was given.
  - ii. Meter of the respondent was checked on 19.08.2014 and its display was found vanished. A detection bill of Rs.91,712/- of 3,833 units for the period May 2014 to July 2014 was debited to the respondent in September 2014. It is not clear how the billing in the previous months was done in the absence of the reading of the respondent. No explanation or justification could be given by LESCO for the disputed detection bill. Obviously, the respondent was charged as per displayed dial reading.
9. In view of the foregoing discussion it is concluded that the detection bill of Rs.80,853/- charged in April 2014 and detection bill of Rs.91,712/- charged in September 2014 are void, illegal and without lawful authority and the respondent is not liable to pay the same. LESCO is directed to withdraw the aforementioned detection bills and revise the consumer account of the respondent accordingly.
10. The appeal is disposed of in above terms.

  
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Muhammad Qamar-uz-Zaman  
Member

  
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Nadir Ali Khoso  
Convener

  
\_\_\_\_\_  
Muhammad Shafique  
Member

Date: 04.06.2015