



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

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No. NEPRA/AB/Appeal-018/POI-2015/ 761-765

August 20, 2015

1. Mrs. Khalida Afzal,  
W/o Mian Muhammad Afzal,  
R/o Chanan Din Street,  
Lakho Park near M.A.O College,  
Lahore
2. The Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Arshad Mehmood,  
Advocate High Court,  
6A/12, Fane Road,  
Lahore
4. Muhammad Younas Chaudhry,  
Advocate,  
Chaudhary Law Associates,  
4-Begum Road, Lahore
5. Ehtisham-Ul-Hassan,  
Sub Divisional Officer,  
LESCO Ltd,  
Prem Nagar Sub Division,  
Lahore

Subject: Appeal Titled LESCO Vs. Mrs. Khalida Afzal 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 decision of the Appellate Board dated 19.08.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-018/POI-2015/ 766

August 20, 2015

Forwarded for information please.


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)

  
Member Appellate Board

Registrar	8966
DY No.....	
Dated.....	21-08-15

  
21/08/15

- D/Reg-II  
- M/F



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-018/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mrs. Khalida Afzal widow of Mian Muhammad Afzal, resident of chanan din street, Lakho Park near M.A.O. college, Lahore.

.....Respondent

For the Appellant:

Arshad Mehmood Advocate

For the Respondent:

Muhammad Younas Chaudhary Advocacte

## DECISION

1. Brief facts giving rise to the instant Appeal are that Lahore Electric Supply Company Limited (hereinafter referred to as 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. The respondent is domestic consumer of LESCO bearing Ref No.14-11241-1059500 with a sanctioned load of 2 kW under A-1a tariff.

1



## National Electric Power Regulatory Authority

2. The respondent was aggrieved with electricity bill of Rs. 64,266/- for 3,077 units in March 2014 issued by LESCO and he filed a petition dated 04.04.2014 before the POI against the said bill. The matter was decided by the Provincial Office of Inspection/Electric Inspector Lahore Region, Lahore (hereinafter referred to as POI) vide its decision dated 16.12.2014 with the following conclusion:-

*"Summing up the foregoing discussion, it is held that the impugned bill amounting to Rs.64,266/- as cost of 3077 units for the charged in bill for the month of 03.2014 is void, unjustified and of no legal effect, therefore, the petitioner is not liable to pay the same. However, the respondents are allowed to charge a revised bill for 866 units on the basis of the average consumption recorded during the preceding 12 months. The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills."*

3. Being aggrieved with the above decision date 16.12.2014 of POI, LESCO has filed instant appeal while alleging that the respondent filed an application before POI and challenged the electricity bill of Rs.64,266/- of 3,077 units issued in March 2014. According to LESCO, it contested the case before POI but the POI passed impugned decision dated 16.12.2014 and set aside the aforementioned bill .LESCO contended that the impugned decision dated 16.12.2014 was illegal, without jurisdiction and unlawful, therefore, the same was liable to be set aside. LESCO submitted that bill was charged to the respondent according to the meter reading and there was no illegality or irregularity in it. LESCO pleaded that the impugned decision passed by POI was against law and facts of the case hence liable to be set aside.
4. The respondent was issued a notice for filing reply/parawise comments which were submitted on 22.04.2015. The respondent in his reply/parawise comments denied assertions of the appellant and stated that the impugned decision of POI was quite legal, valid , self contained, well reasoned. According to the respondent, it was a dispute pertaining to accuracy of the metering equipment and the POI had rightly entertained and decided petition moved by the respondent. He pleaded that POI decided the matter in accordance with the law, equity, fare play

1



## National Electric Power Regulatory Authority

and justice and the appellant failed to point out any illegality or infirmity in the impugned decision. At the end the respondent prayed that the instant appeal be dismissed.

5. The hearing of appeal was fixed in Lahore on 29.07.2015 in which both the parties participated and adduced their arguments. Mr. Arshad Merhmood Advocate appearing for the appellant submitted that the bill of Rs.64,266/- for 3,077 units was charged to the respondent in March 2014 as per his consumption recorded on the meter. According to the learned counsel for LESCO it was a routine bill and not a detection bill. He submitted that meter of the respondent was jointly checked by POI on 27.09.2014 and found working accurately. He denied the statement of the respondent and stated that there was no complaint on the record made to LESCO regarding leakage of the current through the meter. LESCO stressed that as the bill of respondent was according to the meter reading therefore, the respondent was liable to pay the same. He prayed for setting aside the impugned decision and acceptance of the appeal. Mr. Muhammad Younas Chaudhary Advocate, the counsel for the respondent, submitted that the meter was installed on pole of LESCO beyond the reach of the respondent and due to faulty meter there was flow of current in the water tap, adjacent to the pole against which complaint was lodged with LESCO on 04.03.2014 on it's telephone No.118. The learned counsel for the respondent informed that LESCO took about three weeks in rectification of the fault which resulted in excessive consumption recorded by the meter due to faulty meter and leakage of current. Resultantly a huge bill of Rs. 64,266/- for 3,077 units was issued on 27.03.2014. He pointed out that the consumption data of the respondent showed that the monthly consumption was around 300 units per month. The learned counsel contended that the aforementioned bill was not justified and the respondent was not liable to pay the same. He prayed for upholding the decision of POI and dismissal of the appeal filed by LESCO.
6. We have heard arguments of both the parties and examined the record placed before us. Following are the observations:
  - i. A bill of Rs.64,266/- of 3,077 units was served to respondent in March 2014 which was assailed before POI.



## National Electric Power Regulatory Authority

- ii. The disputed meter was jointly checked by POI on 27.11.2014 and found working accurately. Both the parties signed the meter checking report without any objection.
  - iii. The respondent failed to produce any document in support of his version that the meter was faulty, there was leakage of current and a complaint regarding this problem was filed before LESCO. Therefore, this statement cannot be relied upon.
  - iv. There is no controversy regarding the reading of the meter and consumption recorded by it. Obviously the respondent is liable to pay for the units which have been shown as consumed by the meter, the accuracy of which was not disputed by any party.
  - v. Determination of POI for charging the units for March 2014 on the basis of average consumption of 866 units during the period March 2013 to February 2014 has no basis and therefore, not acceptable. The respondent is liable to be charged for the units actually shown as consumed by the meter.
7. In the view of above discussion, the impugned decision dated 16.12.2014 of POI is set aside. The respondent shall be charged according to the actual meter reading as recorded in March 2014.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nafis Ali Khoso  
Convener

Date: 19.08.2015

