



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

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No. NEPRA/AB/Appeal-035/POI-2015/ 978-981

October 13, 2015

1. Muhammad Afzal Cheema
S/o Muhammad Hussain Cheema,
14-KM, Sheikhpura Road,
Thatha Khuda Yar, Tehsil Ferozwala,
District Sheikhpura
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. Shahid Malik
Assistant Manager/Sub Divisional Officer,
LESCO Ltd,
Faizpur Road Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Muhammad Afzal Cheema Against the Decision Dated 21.04.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 13.10.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-035/POI-2015/ 982

October 13, 2015

Forwarded for information please.


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)

TA

15/10

Registrar	10872
By No.....
Dated.....	15-10-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-035/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Afzal Cheema S/o Muhammad Hussain Cheema, 14-KM Sheikhpura Road, Thatha Khuda Yar, Tehsil Ferozewala, District Sheikhpura.

.....Respondent

For the appellant:

Ch. Kalil-ur-Rehman Advocate

For the respondent:

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DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 21.04.2015 of Provincial Office of Inspection (POI) is being disposed of.
2. As per facts of the case, the respondent is an industrial consumer of LESCO bearing Ref No.24-11124-9023707 with a sanctioned load of 50 kW under B2-b tariff.

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3. Reportedly meter of the respondent was checked by Metering and Testing (M&T) LESCO on 15.04.2014 and found 33% slow. Detection bill amounting to Rs.550,023/- for 26,520 units/227 kW for the period February 2014 to September 2014 at the rate of 33% slowness of the meter was charged to the respondent.
4. Being aggrieved with the aforementioned detection bill the respondent challenged the same before POI vide his application dated 20.11.2014. Joint checking of the meter was arranged by POI on 18.03.2015 during the course of hearing proceedings and the meter was found 33% slow due to yellow phase being dead and also the display of backup meter was found washed. Checking report was signed by both the parties. POI announced its decision on 21.04.2015 and the operative portion of the decision is reproduced below:-

“Summing up the forgoing discussion, it is held,

- I. *That the impugned meter is slow by 33% slow as already declared by the respondents.*
- II. *That the impugned detection bill amounting to Rs.550,023/- as cost of 26520 units/227 KW MDI added in the bill for the month of 10/2014 is void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. However, the respondents are allowed to charged a revised detection bill for the period from 08/2014 to 09/2014 and onward on the basis of 33% slowness till the replacement of the meter/shifting of billing to an accurate meter, after excluding the already charged units during the said period.*
- III. *The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills. They are also directed to install an accurate meter at site for future billing to avoid any further litigation.”*

Being aggrieved with the POI decision dated 21.04.2015, LESCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as “the Act”). It is averred by LESCO that detection bill amounting to Rs.550,023/- for the period February 2014 to September 2014 was charged to the respondent as his meter was found 33% slow but the respondent instead of making the payment challenged the bill before POI. According to LESCO the POI decided the matter vide its order



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dated 21.04.2015 and held that the detection bill charged by LESCO was void, unjustified and of no legal effect. LESCO contended that impugned decision was illegal, ultra vires and against documents on record, hence liable to be set aside. LESCO pleaded that 33% slowness of the meter was confirmed by POI in his checking of the meter and the respondent was liable to pay detection bill accordingly which cannot be held as illegal and unjustified.

5. The notice of appeal was issued to the respondent for filing reply/parawise comments which were not submitted.
6. The hearing of the appeal was conducted on 12.09.2015 for which prior notices were issued to the parties. CH. Khalil-ur-Rehman Advocate appeared on behalf of LESCO but no one entered appearance for the respondent. The learned counsel for LESCO reiterated the same arguments as given in memo of the appeal and argued that the detection bill of Rs.550,023/- for the period February 2014 to September 2014 on account of 33% slowness of the meter with enhanced Multiplication Factor from 1 to 1.5 was justified and the respondent was liable to pay the same. According to the learned counsel for LESCO, the consumption data of the respondent proved that the meter remained slow during the period February 2014 to September 2014, hence detection bill was justified for that period under section 26(6) of Electricity Act 1910. Arguments heard and record perused. It is evident that the meter of the respondent was checked by M&T on 15.10.2014 and reportedly found 33% slow, however, the respondent was not associated in that checking. Even the 33% slowness of the meter was also confirmed during the joint checking by POI conducted on 18.03.2015. No doubt, the slowness of the meter was a proven fact, yet the period for which the detection bill could be charged is also to be determined.
7. As per clause 4.4(e) of Consumer Service Manual (hereinafter referred to as CSM), a consumer can be charged the detection bill for a maximum of two billing cycles if his meter is found slow. Charging of detection bill against the respondent from February 2014 to September 2014 (For 7 months) is not in line with the provisions of CSM and it is rightly determined by POI that the detection bill amounting to Rs.550,023/- for 26,520 units/227 kW for the period February 2014 to September 2014 charged in October 2014 is not justified and liable to be cancelled. Moreover, as decided by POI the respondent is liable to be billed for

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two months i.e. August 2014 and September 2014 only in the instant case.

8. Foregoing in view, it is concluded that the impugned decision dated 21.04.2015 of POI does not suffer from any legal infirmity and resultantly the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 13.10.2015