



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

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No. NEPRA/AB/Appeal-052/POI-2015/ 983-987

October 13, 2015

1. Muhammad Amir
S/o Muhammad Bashir,
R/o 63-Y, Defence Housing Society (DHA),
Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Saeed Ahmed Bhatti
Advocate High Court,
2nd Floor, Akram Mansion,
Neela Gumbad, Lahore
4. Qaiser Mahmood Ch.
Advocate High Court,
4-A, Mozang Road,
Lahore
5. Ch. Qurban Ali
SDO (Opr),
LESCO Ltd,
DHA (West) Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Muhammad Amir Against the Decision Dated 28.04.2015 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-052/POI-2015/ 988

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)

72-15/17
T.A.

Registrar	10873
By No.....
Dated.....	15-10-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-052/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Amir, S/o Muhammad Bashir, R/o 63-Y, Defence Housing Society, (DHA), Lahore

.....Respondent

For the appellant:

Saeed Ahmed Bhatti Advocate
Ch. Qurban Ali SDO

For the respondent:

Qaiser Mahmood Ch Advocate

DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 28.04.2015 of Provincial Office of Inspection (POI) is being disposed of.
2. As per facts of the case, the respondent is a domestic consumer of LESCO bearing Ref No. 13-11523-0963103 with a sanctioned load of 14 kW under A1-a tariff.



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3. Meter of the respondent was checked by Metering and Testing (M&T) LESCO on 06.01.2015 and was found 33.3% slow due to one phase being dead stop. After issuing notice dated 06.01.2015, a detection bill of Rs.110,420/- for 5,286 units for the period July 2014 to December 2014 on the basis of last year consumption was charged to the respondent in January 2015. In response to the application dated 23.01.2015 of the respondent meter was jointly checked by POI on 29.01.2015 and was found 33.3% slow.
4. Being aggrieved with the aforementioned detection bill the respondent filed a complaint before the POI who decided the matter with the following conclusion:-

- I. That the impugned meter is slow by 33.3% slow as already declared by the respondents.*
- II. That the impugned detection bill amounting to Rs.110,420/- as cost of 5286 units for the period from 07/2014 to 12/2014 added in the bill for the month of 01/2015 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 11/2014 to 12/2014 and onward on the basis of 33.3% 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 28.04.2015, 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"). LESCO stated that the detection bill of Rs.110,420/- was charged to the respondent for the months of July 2014 to December 2014 as the energy meter of the respondent was not recording actual consumption of energy. According to LESCO, 33.3% slowness of the equipment was confirmed during the checking by POI and it was proved before POI that the detection bill was correct and justified but the same was declared void, unjustified and of no legal effect by POI in its impugned decision. According to LESCO the impugned decision was passed by POI without applying his judicious mind, ignoring the facts of the case and the



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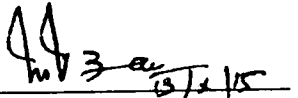
document/consumption data placed on record by LESCO.

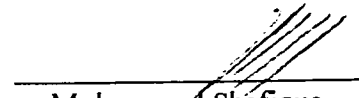
5. The notice of the appeal was issued to the respondent who filed the reply/comments on 01.09.2015. In his reply/parawise comments the respondent inter-alia stated that his monthly consumption did not decrease inspite of the fact that a solar panel of 9 kW capacity was installed which showed that the meter recorded fast consumption. According to the respondent the meter was checked by POI and was found 33.3% slow. He submitted that the bill of Rs.142,426/- was received in the month of January 2015 which contained detection charges of Rs.110,420/- for the cost of 5,286 units for the period July 2014 to December 2014 although he had cleared all previous bills and no arrear of any kind was payable by him. The respondent rebutted the assertions of LESCO and inter-alia submitted that the impugned decision dated 28.04.2015 was speaking one and therefore may be upheld.
6. Hearing of the appeal was conducted at Lahore on 12.09.2015. During the hearing Mr. Saeed Ahmed Bhatti Advocate and Ch. Qurban Ali SDO appeared for LESCO and Mr. Qaiser Mahmood Ch Advocate appeared for respondent. The counsel for LESCO repeated the same arguments as earlier given in memo of the appeal and explained that detection bill of Rs.110,420/- was rightly charged to the respondent for the period July 2014 to December 2014, as his meter was found 33.3% slow during checking by M&T on 06.01.2015 and later confirmed in POI checking on 29.01.2015. Regarding the period of charging the detection bill the learned counsel averred that consumption data of the respondent showed that meter remained 33.3% slow during the months of July 2014 to December 2014. He pleaded that POI was authorized to determine the consumption and the period applicable under section 26(6) of Electricity Act 1910 but the POI ignored this fact and relied upon Consumer Service Manual (hereinafter referred to as CSM). In support of his argument, learned Counsel relied upon PLJ 2015 Lahore 470. The learned counsel submitted that the detection bill was justified and the respondent was liable to pay the same and prayed for setting aside the impugned decision.
7. Mr. Qaiser Mahmood Ch, learned counsel for the respondent rebutted the arguments of LESCO and stated that POI after due analysis declared that the detection bill was illegal and correctly/judiciously exercised his powers under section 26(6) of Electricity Act 1910. According to the learned counsel for the respondent, the decision was consistent with provisions of CSM.




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8. Having heard the arguments and perusal of record, it may be observed that the meter was admittedly 33.3% slow. Pursuant to clause 4.4e of CSM a consumer could be charged the detection bill for a maximum period of two billing cycles for a slow/defective meter on the basis of previous consumption. As the meter of the respondent was checked in January 2015, it is correctly determined by POI in its decision that the respondent was liable to be billed for the months of November 2014 and December 2014 on the basis of 33.3% slowness of the meter till the replacement of the meter/ shifting of billing on accurate meter.
9. In view of foregoing discussion, we do not find any reason to intervene in the impugned decision of POI which is upheld and the appeal is dismissed accordingly.


Muhammad Qamar-uz-Zaman
Member


Muhammad Shafique
Member


Nadir Ali Khoso
Convener

Date: 13.10.2015

