



National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-073/POI-2015/1093-1097

November 27, 2015

1. Anila Wahid Ch.  
Advocate High Court,  
D/o Abdul Wahid Ch.  
R/o 79- Block, Awan Town,  
Lahore
2. The Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Sheikh Shahzad Ahmed,  
Advocate High Court,  
Lawyers Park, 6-Fane Road,  
Lahore
4. AM Operations/SDO  
LESCO Ltd,  
Awan Town Sub Division,  
Lahore
5. The Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Lahore Region, Block No. 1,  
Irrigation Complex,  
Canal Bank, Dharampura,  
Lahore.

Subject: Appeal Titled LESCO Vs. Anila Wahid Ch. Against the Decision Dated 26.05.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 27.11.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-073/POI-2015/1098

November 27, 2015

Forwarded for information please.

1. Registrar
2. Director (CAD)

CC:

1. Vice Chairman/Member (CA)

- D/R - I  
- m/f

30/11/15

Member Appellate Board

Registrar	12419
By No. ....	.....
Dated. ....	30-11-15



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-073/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Anila Wahid Ch. Advocate High Court, D/o Abdul Wahid Ch. R/o 79-A-1, Ali Block, Awan Town,  
Lahore

.....Respondent

For the appellant:

Sheikh Shahzad Ahmed Advocate

For the respondent:

Anila Wahid Ch. Advocate

## DECISION

1. Brief facts leading to the disposal of this appeal are that , the respondent is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No. 12-11236-0532709 with a sanctioned load of 2 kW under A-1a tariff.
2. The electricity meter of the respondent was checked by Metering and Testing (M&T) of LESCO on 28.08.2009 and reportedly the meter was found tampered through terminal block and with scratches on the figures. A detection bill of Rs. 48,497/- for 5,011 units for the period March 2009 to August 2009 on the basis of connected load and load factor was charged to the respondent in September 2009, after issuing notice under section 26 A/54 C of the Electricity Act, 1910. The respondent filed a suit in the civil court and learned civil judge ordered the respondent for deposition of 1/3rd

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amount of the disputed bills. As per record, the respondent was issued a bill of Rs. 36,260/- in September 2013 which was also assailed in the civil court and the learned civil judge vide order dated 28.05.2014 returned the plaint under order 7 Rule 10 CPC for want of jurisdiction. The respondent filed an application dated 30.06.2014 before Provincial Office of Inspection (POI) and challenged the detection bill and prayed that the detection bill to the tune of Rs. 48,497/- may be declared as unlawful, illegal and void ab-initio. POI decided the matter on 26.5.2015 with the following conclusion:-

*"Summing up the foregoing discussion, it is held that the impugned detection bill amounting to Rs. 48,497/- for 5011 units for the period from 03/2009 to 09/2009 charged in the bill for the month of 09/2009 (subsequently charged in 09/2014 a Rs. 36,260/-) is void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills."*

3. The above referred decision has been assailed by LESCO through the instant appeal filed under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act"). LESCO, inter alia, contended that the detection bill of Rs.48,497/- was issued correctly for the period March 2009 to August 2009 as the metering equipment was tampered due to which the actual energy could not be recorded.
4. Notice of the appeal was issued to the respondent who filed the reply/comments on 01.09.2015. Hearing of the appeal was fixed at Lahore on 06.10.2015. During the hearing Sheikh Shahzad Ahmed Advocate appeared for the appellant LESCO and Ms. Anila Wahid Ch. Advocate the respondent appeared in person. Learned counsel for the appellant stated that during checking by M&T on 08.08.2009, MDI of the respondent's meter was found altered and reversal of the meter was also noticed. The learned counsel for LESCO averred that notice was issued to the respondent and a detection bill of Rs. 48,497/-, for the period March 2009 August 2009, was charged to the respondent to recover the revenue loss sustained by LESCO due to reversal of the meter. Learned counsel submitted that the detection bill was challenged before civil court by the respondent and 1/3rd of disputed amount was paid by the respondent on direction of the court. According to LESCO the suit was withdrawn by the respondent and was again filed on same subject on 04.09.2013 which was returned by honourable court on 28.05.2014 with the direction for filing the same before POI. The learned counsel drew attention to para 3 of the impugned decision of POI and contended that the disputed meter was checked by the Inspecting Officer of POI in



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presence of both the parties and the terminal strip of terminal block was found damaged. According to the learned counsel, tampering of the meter was proved in the checking by POI and therefore the detection bill issued to the respondent was justified. He submitted that the consumption table discussed by POI in the impugned decision had no relevance with the disputed period of the year 2009. In response the respondent contended that one wire of the meter became loose which was set right by the staff of LESCO who in this process opened the strips to tighten the loose wire. According to the respondent, M&T checking report dated 28.08.2009 was not attached and no prior notice for the said checking was served by LESCO and there was no participation of the respondent in the alleged checking. She contended that the matter was challenged before civil court through a plaint which was returned for filing the same before POI pursuant to decision of Supreme Court of Pakistan as reported in PLD 2012 SC 371.

As per the respondent, the check meter was installed in the year 2009 and she was charged on the basis of the average consumption of 1,000 units per month for the disputed period which was very high which and was never recorded in any other period. The respondent further stated that LESCO did not refer any procedure or law on the basis of which the detection bill of above 1,000 units per month was charged for a period of six months.

5. We have heard arguments of both the parties and examined the record placed before us. It is observed that the connection of the respondent was checked by M&T LESCO on 08.08.2009 and allegedly terminal strip of terminal block was found damaged. No M&T report has been placed on the record by LESCO and moreover there was no participation of the respondent during LESCO checking. It is also observed that no defect in the meter was noticed and the metering apparatus with the same terminal block was found at site during the joint checking arranged by POI on 16.04.2015. This established that there was nothing wrong with the meter and it was recording units as per consumption. We are convinced with the arguments of the respondent that the units charged during the detection period are high and were never recorded in the disputed period when the meter was correct. POI has rightly analyzed that the consumption data in the succeeding years are compatible with the previous year's consumption and there is no justification of charging detection bill of Rs. 48,497/- for the period March 2009



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to August 2009.

6. In view of foregoing discussion, there is no reason to intervene in impugned decision of POI which is upheld and appeal of LESCO is dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 27.11.2015