



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

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No. NEPRA/AB/Appeal-100/POI-2015/ 557-556

May 12, 2016

1. Bashir Ahmed  
S/o Hafiz Sana Ullah,  
R/o 132, G.T. Road,  
Baghbanpura, Lahore

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

3. Saeed Ahmed Bhatti  
Advocate High Court,  
2<sup>nd</sup> Floor, Akram Mansion,  
Neela Gumbad, Lahore

4. Ameer Hamza  
Advocate High Court,  
Office No. 8/9, Al-Majeed Centre,  
First Floor, Link Farid Kot Road,  
Lahore

5. Sub Divisional Officer (Opr)  
LESCO Ltd,  
Angoori Bagh Sub Division,  
Lahore

6. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Lahore Region, Block No. 1,  
Irrigation Complex,  
Canal Bank, Dharampura,  
Lahore.

Registered  
By No. 5078  
Date 16-05-16

Subject: Appeal Titled LESCO Vs. Bashir Ahmed Against the Decision Dated 14.04.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

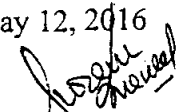
Please find enclosed herewith the decision of the Appellate Board dated 10.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeei)

No. NEPRA/AB/Appeal-100/POI-2015/ 557  
Forwarded for information please.

May 12, 2016

  
Assistant Director  
Appellate Board

1. Registrar  
2. Director (CAD)

CC:

1. Member (CA)

— DD (IT)

— DIR-II/MF

16.05.16



## National Electric Power Regulatory Authority

### Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-100/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Bashir Ahmed, S/o Hafiz Sana Ullah, R/o 132,  
G.T. Road, Baghbanpura, Lahore

.....Respondent

For the appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the respondent:

Mr. Ameer Hamza Advocate

### DECISION

1. This decision shall dispose of an appeal filed by Lahore Electric Supply Company (hereinafter referred to as LESCO) against the decision dated 14.04.2015 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 Electricity Power Act 1997 (hereinafter referred to as the Act).
2. As per facts of the case, the respondent is an industrial consumer of LESCO bearing consumer A/C. No. 46-11342-2519900 with a sanctioned load of 32 kW under tariff B-2b. A new digital meter was installed on the premises of the respondent's connection on 05.06.2007 along side of the old billing meter. Billing was shifted to the newly installed digital meter whereas the old meter remained as backup meter. Billing meter of the



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respondent was checked by Metering and Testing (M&T) LESCO on 10.07.2009 and was found slow due to blue phase being dead. Notice dated 21.07.2009 was issued to the respondent and a detection bill of Rs. 100,703/- for 10,669 units was charged to the respondent due to the difference of consumption between the old meter and newly installed impugned meter during the period 05.06.2007 to 21.07.2009. Matter was challenged by the respondent before Wafaqi Mohtasib vide application dated 21.05.2010 but the honourable Wafaqi Mohtasib referred the matter to POI for determination. On the application dated 30.08.2011, meter of the respondent was checked by POI on 12.04.2012 in the presence of both the parties and found 33.3 % slow due to blue phase dead. The respondent filed an application before POI on 30.04.2013 and challenged the detection bill of Rs. 100,703/- for 10,669 units for the period January 2009 to June 2009 on the basis of 33.3 % slowness of the meter. POI disposed of the matter vide its decision dated 14.04.2015 and concluded as under:-

*"Summing up the foregoing discussion, it is held,*

- 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. 100,703/- as cost of 10669 units added in the bill for the month of 07/2009 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 detection bill for the period from 05/2009 onward after adding the 33.3 % slowness in the recorded units 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."*
3. Being aggrieved with the POI decision dated 14.04.2015 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal. In it's appeal LESCO inter alia

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submitted that the impugned decision was rendered by Electric Inspector after expiry of 90 days in violation of section 26 (6) of the Act, 1910 and as such the impugned decision is illegal, unlawful and nullity in the eye of law and liable to be set aside. LESCO finally prayed that the impugned decision be declared be set aside and detection bill of Rs. 100,703/- for 10,669 units due to difference between disputed billing meter and healthy backup meter be declared as legal, valid and justified.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments which were filed by the respondent on 11.02.2016. The respondent in his reply/parawise comments rebutted contentions of the appellant and prayed that the instant appeal was barred by time of five days and liable to be dismissed.
5. After issuing notice, the hearing of the appeal was conducted in NEPRA Office Lahore on 12.04.2016, in which both the parties were present. In the outset of the hearing, Mr. Saeed Ahmed Bhatti Advocate learned counsel for LESCO submitted that the appeal was filed before NEPRA within stipulated time and was liable to be heard on merit. Mr. Ameer Hamza Advocate learned counsel for the respondent did not press the point of limitation and stated that the appeal be decided on merit. Mr. Saeed Ahmed Bhatti Advocate learned counsel for LESCO repeated the same arguments as contained in memo of the appeal. Learned counsel for LESCO pleaded that meter of the respondent was found defective/slow during the checking by M&T LESCO on 10.07.2009 and later on 33.3 % slowness was confirmed during the checking by POI on 12.04.2012 due to one phase being dead. According to learned counsel for LESCO, the detection bill of Rs. 100,703/- for 10,669 units was charged to the respondent due to difference of consumption between the disputed billing meter and healthy backup meter and was justified and the respondent is liable to pay the same. In his rebuttal, Mr. Ameer Hamza Advocate learned counsel for the respondent contended that the backup meter was very old and inaccurate and installed since 1990 and as such it was not reliable. According to learned counsel for the respondent the disputed digital meter was checked by M&T LESCO but the accuracy of the backup meter was not verified and therefore the alleged difference of 10,669 units between the two meters cannot

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be imposed upon the respondent as detection bill. The learned counsel further explained that both the meters were installed outside and were regularly checked by LESCO staff but no discrepancy whatsoever was ever reported. Learned counsel for the respondent pleaded for upholding the impugned decision and dismissal of the appeal.

6. We have heard arguments of both the parties and examined the record placed before us. It has been observed that billing meter of the respondent was found defective during the M&T LESCO checking on 10.07.2009 and subsequently 33.3 % slowness was confirmed during the checking by POI on 12.04.2012. Therefore billing meter is admittedly 33.3 % slow. We are in agreement with the findings of POI that pursuant to Consumer Service Manual (CSM), the respondent is liable to be billed maximum for two billing cycles due to a defective/slow meter. In the instant case the meter was found slow during checking in July 2009 and as such the respondent is liable to be billed for previous month of May 2009 and June 2009. The impugned decision for charging the respondent @ 33.3 % slowness of the meter from May 2009 till replacement of the meter is justified and liable to be maintained. It has rightly been determined that the detection bill of Rs. 100,703/- for 10,669 units is null and void and the respondent is not liable to pay the same.
7. In view of the forgoing discussion, we do not find any reason to interfere with the impugned decision which is upheld and the appeal of LESCO is dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 10.05.2016