



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

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No. NEPRA/AB/Appeal-104/POI-2016/ 322-327

March 22, 2016

1. Tariq Mehmood
S/o Haji Mangta,
R/o Kothi Haq Nawaz Road,
Mehmood Booti,
Steel Rerolling Mills,
Sultan Mehmood Road, Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mirza Feroz Ahmad
Advocate High Court,
House No. 67,
Usman Street, Quaid-e-Millat Colony,
N/B Elementary College,
Chungi Amar Sidhu, Lahore
4. Saith Nadeem Hussain
Advocate High Court,
Hazique House, 2nd Floor,
4-Mozang Road, Lahore
5. SubDivisional Officer (Opr)
LESCO Ltd,
Mehmood Booti Sub Division,
Lahore
6. Electric Inspector
Energy Department,
Govt. of Punjab,
Lahore Region, Block No. 1,
Irrigation Complex,
Canal Bank, Dharampura,
Lahore.

Registrar
By No. 2886
Dated. 22-03-16

Subject: Appeal Titled LESCO Vs. Tariq Mahmood Against the Decision Dated 10.07.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 22.03.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-104/POI-2016/ 328

March 22, 2016

Forwarded for information please.


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

22.03.16

D/B-II/M/P

CC:

1. Vice Chairman/Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-104/POL-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Tariq Mahmood S/o Haji Mangta, R/o Kothi Haq Nawaz Road,
Mehmood Booti, Steel Rerolling Mills, Sultan Mahmood Road, Lahore

.....Respondent

For the appellant:

Mirza Feroz Ahmed Advocate

For the respondent:

Saith Nadeem Hussain Advocate

DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 10.07.2015 of Provincial Office of Inspection/Electric Inspector, Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. As per facts of the case, 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 and the respondent is its industrial consumer bearing Ref No. 24-11355-9909400-U with a sanctioned load of 142 kW under B-2b (12) tariff. The TOU billing meter and TOU backup meter of the respondent were checked by Metering and

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Testing (M&T), LESCO on 20.03.2015 in which reportedly 33% slowness was observed in both the meters due to one phase dead stop with current transformer (CT) damaged. After issuing notice to the respondent, a detection bill of Rs. 795,728/- for 33,650 units/211 kW for the period August 2014 to February 2015 (7 months) was charged to the respondent in March 2015 on the basis of 33 % slowness of the billing meter.

3. Being aggrieved with the aforementioned detection bill, the respondent filed a petition before POI on 17.04.2015 while stating that the assessed bill amounting to Rs. 1,046,184/- including the detection bill of Rs. 795,728/- for 33,650 units/211 kW for the period August 2014 to February 2015 added in the month of March 2015 was illegal, unlawful and liable to be set aside. On the direction of POI, both billing meter and backup meter of the respondent were checked by the electric sub inspector in presence of both the parties on 26.05.2015 and both the meters were found 33 % slow due to one phase dead stop. POI disposed of the matter vide its decision dated 10.07.2015 with the following conclusion:

"Summing up the foregoing discussion, it is held that I. both the impugned meter and the backup meter are 33% slow due to blue phase dead stop. II. That the impugned detection bill amounting to Rs. 795,728/- for 33,650 units/211kW for the period August 2014 to February 2015 added in the bill for the month of 3/2015 is void, unjustified and of no legal effect, therefore the petitioner is not liable to pay the same. However the respondents are allowed to charge a revise detection bill on the basis of the declared 33% slowness from 01/2015 on the KWH part and on MDI part from 02/2015 onward till the replacement of the impugned meter/shifting of bill to an accurate meter. III. The respondents are directed to overhaul the account of petitioner accordingly and any excess amount recovered be adjusted in future bills. They are also directed to install an accurate TOU MDI meter at the petitioner's premises for the purpose of billing to avoid any further litigation in future. The petition is disposed of in above terms."

4. Being dissatisfied with the POI decision dated 10.07.2015 (hereinafter referred to as the impugned decision), 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 in its appeal, inter alia, contended that the metering equipment of the

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respondent was confirmed to be 33% slow and as such detection bill of Rs. 795,728/- for 33,650 units/211 kW for the period August 2014 to February 2015 added in the month of March 2015 was justified and the respondent was liable to pay the same.

5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 19.10.2015. The respondent in its reply inter alia, submitted that the impugned decision was assailed by LESCO on the basis of wrong and concocted facts, hence the appeal is liable to be dismissed.
6. After issuing notice to both the parties, hearing of the appeal was conducted at Lahore on 07.03.2016 in which learned counsels of both the parties appeared. Mirza Feroz Ahmed advocate, the learned counsel for LESCO repeated the same argument as earlier given in memo of the appeal. The learned counsel for LESCO contended that 33% slowness of the meter was established and admitted by the respondent. According to the learned counsel, the respondent was involved in dishonest abstraction of electricity and as such pursuant to clause 9.1 (b) of Consumer Service Manual (CSM), being an industrial connection, the respondent is liable to be charged detection bill for a period of 6 months. Saith Nadeem Hussain advocate, the learned counsel for the respondent in his rebuttal, argued that electricity meter of the respondent was installed outside the premises, which was regularly checked by LESCO officials for recording monthly readings but no discrepancy whatsoever was pointed out during the disputed period of August 2014 to February 2015. The learned counsel for the respondent denied any involvement of the respondent for tampering of the meter or dishonest abstraction of electricity and pleaded that the impugned decision was based on facts and law and liable to be maintained.
7. We have heard arguments of both the parties and examined the record placed before us. The billing meter was admittedly 33% slow and the only dispute remains regarding the period for charging the detecting bill. There is no force in the argument of learned counsel for LESCO that the respondent was involved in illegal abstraction and liable to be charged for a period of six months. It is observed that the process envisaged under clause 9.1 (b) for establishment of illegal abstraction was not followed and we are convinced with the contention of the learned counsel for the respondent that pursuant to clause 4.4 (e), maximum period for charging the detection

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bill for a defective meter is restricted to two billing cycles. The impugned decision of POI has been rendered on the basis of law and facts and there is no reason to intervene or modify the same.

8. In view of foregoing discussion, we have reached to the conclusion that the impugned decision is in accordance with the facts and law and therefore upheld. Consequently, the appeal of LESCO is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 18.03.2016