



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

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No. NEPRA/AB/Appeal-125/POI-2015/ *565-569*

May 12, 2016

1. Muhammad Nazir
Technical Officer (Engg) PTCL,
Telephone Exchange Lahore Cantt,
Girja Chowk, Lahore Cantt
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Ch. Yasin Zahid
Advocate High Court,
8-Chishti Plaza, 13-Fane Road,
Lahore
4. Sub Divisional Officer (Opr)
LESCO Ltd,
Taj Pura Sub Division,
Lahore
5. Electric Inspector
Energy Department,
Govt. of Punjab,
Lahore Region, Block No. 1,
Irrigation Complex,
Canal Bank, Dharampura,
Lahore

Date: 16-05-16
By No. 5076

Subject: Appeal Titled LESCO Vs. Muhammad Nazir Against the Decision Dated 30.09.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 11.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-125/POI-2015/ *570*

May 12, 2016

Forwarded for information please.

Ikram Shakeel
Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

DD(II)

CC:

D/Ry-II/MF

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-125/POI-2015

Lahore Electric Supply Company LimitedAppellant

Versus

Muhammad Nazir, Technical Officer (Engg) PTCL,
Telephone Exchange Lahore Cantt, Girja Chowk, Lahore CanttRespondent

For the appellant:

Ch. Yasin Zahid Advocate
Muhammad Zubair

For the respondent:

Muhammad Nazir

DECISION

1. This decision shall dispose of an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the order dated 30.09.2015 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 Electric Power Act 1997 (hereinafter referred to as the Act).
2. As per facts of the case, the respondent is a commercial consumer of LESCO bearing Ref No.42-11543-0573005 with a sanctioned load of 19 kW under A-2c tariff. The electricity meter of the respondent was checked by LESCO on 17.09.2014 and reportedly the meter reading was found dead stop. Notice regarding this discrepancy was issued by LESCO to the respondent on 09.10.2014 and a detection bill of Rs. 125,615/- for



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7,647 units for the period June 2014 to August 2014 was charged to the respondent in November 2014.

3. Being aggrieved with the aforementioned detection bill, the respondent filed an application before POI on 30.01.2015. Inspection of the meter of the respondent was conducted by POI on 02.04.2015 in presence of both the parties and the meter was found accurate and working within BSS limits. The matter was disposed of by POI vide its decision dated 30.09.2015 with the following conclusion:

"Summing up the aforesaid discussion, it is held that the impugned energy meter is running correctly within permissible limits of error and detection bill amounting to Rs. 125,615/- charged for the period of 06/2014 to 08/2014 in the presence of correct meter is held as null void and illegal and the petitioner is not liable to pay the same. LESCO authority is directed to overhaul the account of petitioner accordingly and refund excessive charged amounts or adjust in future bills."

4. Being dissatisfied with the decision of POI dated 30.09.2015 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal and in its appeal, the appellant inter alia stated that the impugned decision is illegal, void, without jurisdiction and liable to be modified. LESCO prayed that the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 charged to the respondent in November 2014 due to dead stop meter was legal, justified and the respondent is liable to pay the same.
5. In response to the instant appeal, a notice was issued to the respondent for filing reply/parawise comments, which were filed on 13.01.2016. In its reply, the respondent contended that as per detection proforma of LESCO, less units were charged to the respondent during June 2014 to August 2014 as the meter was found blackish during checking on 29.08.2014, but the status of the meter was found working correct during the checking on 14.10.2014. Therefore, according to the respondent, charging of detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 in November 2014 was against the rule, Electricity Act 1910 and Consumer Service Manual (CSM). The



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respondent submitted that the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 charged in November 2014 was in violation of clause 4.4, clause 8.1, clause 9.1 and 9.1 (b) of CSM. The respondent further averred that the meter was found running correct and quite visible during checking of POI on 02.04.2015. According to the respondent, the impugned decision was justified and therefore liable to be maintained.

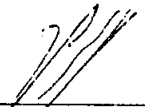
6. After issuing notice to both the parties, the appeal was heard at Lahore on 19.04.2016. Ch. Yasin Zahid Legal Advisor and Mr. Muhammad Zubair appeared for the appellant LESCO and Mr. Muhammad Nazir appeared on behalf of the respondent. Learned counsel for the appellant contended that the meter was checked by LESCO on 17.09.2014 and found blackish, therefore the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 was charged to the respondent in November 2014. On a query, the learned counsel for LESCO informed that the meter was not replaced and billing continued on the basis of consumption of corresponding months of previous year. The respondent repeated the same arguments as given in his reply/parawise comments and stated that there was discrepancy in dates and type of the defect of the meter. As per the detection proforma, the meter was checked on 29.08.2014 and was found blackish, whereas as per notice dated 09.10.2014, the checking was carried out on 17.09.2014 and the meter was found dead stop. The respondent pleaded that since the meter was found correct and working accurately in the subsequent checking dated 02.04.2015 by POI, there was no justification in charging the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 in November 2014.
7. We have heard the arguments of learned counsel of LESCO and examined the record placed before us. It is observed that there is discrepancy between the meter checking dates and type of defect as mentioned by LESCO in various documents. The disputed meter was found working within BSS limits in the checking carried out by POI on 02.04.2015, which establishes that billing was done on the same disputed meter. We are convinced with the argument of the respondent that as the meter was healthy therefore there is no justification




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for charging the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 in November 2014. It has been rightly determined in the impugned decision that the meter is correct, visible and there is no justification of charging the detection bill of Rs. 125,615/- for 7,647 units for the period June 2014 to August 2014 in November 2014. The impugned decision is correct and liable to be maintained.

8. From the discussion in preceding paragraphs, we have come to conclusion that the impugned decision was rendered in accordance with the facts and law and we do not find any reason to interfere with the same. Therefore the impugned decision is upheld and the appeal is dismissed accordingly.



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Date: 11.05.2016