



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

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No. NEPRA/AB/Appeal-026/POI-2016/ 1176-1180

September 02, 2016

1. Hassan Imtiaz,
Through Shahzad Rafiq,
S/o Muhammad Rafiq,
R/o Mian colony, Asghar Butt Wali Gali,
Lal Pull, Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A Queens Road,
Lahore
3. Mian Habib-ur-Rehman,
Advocate High Court,
2nd Floor, Mian Chambers,
1-Fane Road, Lahore
4. Assistant Manager/SDO (Op),
LESCO Ltd,
Şalamat Pura Sub Division,
Lahore
5. Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: **Appeal Titled LESCO Vs. Hassan Imtiaz Against the Decision Dated 31.12.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore**

Please find enclosed herewith the Decision of the Appellate Board dated 02.09.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-026/POI-2016/ 1181

September 02, 2016

Forwarded for information please.


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-026/POI-2016

Lahore Electric Supply Company LimitedAppellant

Versus

Hassan Imtiaz Through Shahzad Rafiq S/o Muhammad Rafiq,
R/o Mian Colony, Asghar Butt Wali Gali, Pura , Lal Pull, LahoreRespondent

For the appellant:

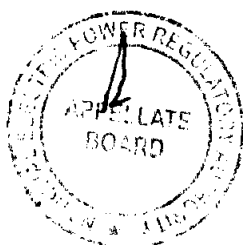
Mian Habib-ur-Rehman Advocate

For the respondent:

Mr. Hasan Imtiaz

DECISION

1. This decision shall dispose of an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 31.12.2015 of the Provincial Office of Inspection 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 NEPRA Act 1997).
2. As per facts of the case, the respondent is a domestic consumer of LESCO bearing Ref No.14-11315-1113415U with a sanctioned load of 1 kW under A-1 tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) LESCO on 06.01.2015 and reportedly found dead stop. A notice regarding above discrepancy of the meter was issued by LESCO to the respondent on 15.01.2015 and a detection bill amounting





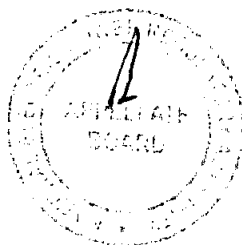
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to Rs. 35,827/- for the period July 2014 to December 2014(6 months) was charged @ 306 units/month to the respondent on the basis of 20% load factor.

3. Being aggrieved with the aforementioned detection bill, the respondent filed an application before POI on 24.02.2015. The disputed meter of the respondent was inspected by POI on 09.11.2015 in which both parties were present and found tampered. The disputed electricity meter was again inspected by POI on 26.11.2015 and it was found working within BSS limits. The matter was disposed of by POI vide its decision dated 31.12.2015 with the following conclusion:

“Summing up the aforesaid discussion, it is held that (I) The disputed energy meter (Meter No.S-116303) is defective/tampered and having erratic behavior due to some Bakelite pieces found inside the meter during checking by the joint team on 09.11.2015. (II) The detection bill amounting to Rs. 35,827/- for 6 months for the period of July 2014 to December 2014 charged @ 306 KWh/month on estimation (@730Hoursx1kWhx20% Load factor) is null, void and illegal. Respondents are directed to charge the petitioner @179 KWh/month w.e.f September 2014 to onwards and replacement of meter accordingly. LESCO Authorities are also directed to replace the meter of the petitioner immediately for accurately billing in the future and overhaul the account of the petitioner accordingly.”

4. Being dissatisfied with the decision of POI dated 31.12.2015 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA under section 38 (3) of NEPRA Act 1997. LESCO in its appeal, inter alia, stated that metering equipment of the respondent was found dead stop by M&T LESCO on 06.01.2015. According to LESCO. the detection bill amounting to Rs. 35,827/- for the period July 2014 to December 2014 (6 months) charged @ 306 units/month to the respondent on the basis of 20% load factor was legal, and justified. LESCO pointed out that the matter was decided by POI on 31.12.2015 after expiry of the statutory period of 90 days as envisaged under section 26(6) of the Electricity Act 1910, hence the impugned decision became functus officio. LESCO





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prayed that the impugned decision was void, ab-initio and coram non iudice and liable to be set aside.

5. A notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted.
6. Notice was issued to both the parties for hearing scheduled at Lahore on 15.07.2016. Mian Habib-ur-Rehman Advocate appeared for the appellant LESCO and Mr. Hasan Imtiaz the respondent appeared in person. Learned counsel for LESCO contended that the disputed billing meter was found tampered and dead stop by M&T LESCO on 06.01.2015, which was also confirmed by POI during its checking on 09.11.2015. According to learned counsel for LESCO, the detection bill amounting to Rs. 35,827/- for the period July 2014 to December 2014 (6 months) was charged @ 306 units/month on the basis of 20% load factor in order to recover the revenue loss sustained by LESCO due to the tampered meter during the disputed period. On the other hand the respondent in his arguments denied the allegation of tampering of electricity meter and contended that he was not involved in any sort of dishonest abstraction of the electricity. The respondent pleaded that the electricity bills were not as per meter actual reading since August 2014 and when he approached to LESCO, it was assured that excess units charged would be adjusted in the subsequent months. According to the respondent, the electricity bill was paid till December 2014 but he was surprised to receive the detection amounting to Rs. 35,827/- for the period July 2014 to December 2014 (6 months) charged @ 306 units/month on the basis of 20% load factor for the same period. The respondent averred that the detection bill was unjustified and he was not liable to pay the same.
7. We have heard the arguments of both the parties and examined the record placed before us. It is observed as under.
 - i. The detection bill amounting to Rs. 35,827/- for the period July 2014 to December 2014 (6 months) charged @ 306 units/month on the basis of 20% load factor was





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challenged by the respondent vide his application dated 24.02.2015 before POI.

- ii. The disputed meter of the respondent was found dead stop/tampered during M&T checking dated 06.01.2015 which was also confirmed by POI on 09.11.2015, therefore the determination of POI in the impugned decision for charging the detection bill on the basis of defective meter as chapter 4 of Consumer Service Manual (CSM) was not justified in the instant case. Since it was concluded by POI that the meter was tampered and not recording the actual consumption of energy, therefore the detection bill for such cases would be covered under provisions of chapter 9 of the CSM. Admittedly the respondent is liable to be billed @ 306 units/month on the basis of connected load and 20% load factor. Having decided the quantum of detection units, now determination is to be made regarding the period for charging the detection bill. According to clause 9.1 c (3) of CSM, maximum period for charging in such cases shall be restricted to three billing cycles for general supply consumers i.e. A-I & A-II and for period beyond three billing cycles up-to a maximum of six months is subject to the approval of the Chief Executive of LESCO and moreover action is to be initiated against the officer in charge for not being vigilant enough. Therefore the impugned decision for charging the respondent @179 units/month for the period September 2014 to December 2014 (4 months) by considering the meter defectiveness is not correct and liable to be set aside. The respondent is liable to be charged the detection bill @ 306 units/month for three months only i.e. October 2014 to December 2014.

8. In view of foregoing discussion, we have reached to the conclusion that:

- i. The detection bill amounting to Rs. 35,827/- @ 306 units/month charged to the respondent for the period July 2014 to December 2014 (6 months) charged is declared as null and void and the respondent is not liable to pay the same as determined in the impugned decision.
- ii. The respondent is liable to be charged the detection bill @306 units/month for the





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period from October 2014 to December 2014 (3 months) only.

9. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 26.07.2016

