



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

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No. NEPRA/AB/Appeal-034/POI-2016/ *1188-1192* September 02, 2016

1. Muhammad Zafar-ul-Hassan,
S/o Haji Jamal-ul-Hassan,
R/o 714, Block-B,
Sabzazar Scheme, Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A Queens Road,
Lahore
3. Saeed Ahmed Bhatti,
Advocate High Court,
2nd Floor, Akram Mansion,
Neela Gumbad, Lahore
4. Sub Divisional Officer,
LESCO Ltd,
Dholanwal 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. Muhammad Zafar-ul-Hassan Against the Decision Dated 28.07.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore**

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

Encl: **As Above**

(Ikram Shakeel)

No. NEPRA/AB/Appeal-034/POI-2016/ *1193*
Forwarded for information please.

September 02, 2016

Ikram Shakeel
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-034/POI-2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Zafar-ul-Hassan S/o Haji Jamal-ul-Hassan,
R/o 714, Block B, Sabzazar Scheme, Lahore

.....Respondent

For the appellant:

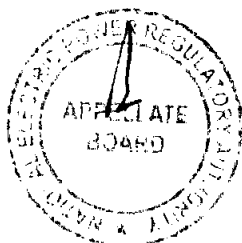
Mr. Saeed Ahmed Bhatti Advocate

For the respondent:

Nemo

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 28.07.2015 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.09-11115-0682802U with a sanctioned load of 1 kW under A-I tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) LESCO on 07.07.2014 and reportedly display of the meter was washed out. A notice regarding this discrepancy was issued by LESCO to the respondent on 24.07.2014 and a detection bill of Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) was





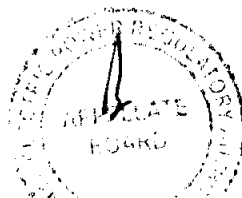
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charged to the respondent on the basis of connected load in October 2014. The disputed electricity meter was replaced on 25.08.2014.

3. The respondent filed an application before POI on 27.10.2014 and challenged the aforementioned detection bill. The respondent averred that the display of the electricity meter although dim was readable till February 2014. According to the respondent, the detection bill of Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged on the basis of washed display of the electricity meter was not justified and he is not liable to pay the same. The matter was disposed of by POI vide its decision dated 28.07.2015, the operative portion of which is reproduced below:

"Summing up the aforesaid discussion, it is held that the detection bill amounting to Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) added in the bill for the month of 10/2014 and charging the demand notice for Rs.2100/- as cost of the meter are void, unjustified and of no legal effect: therefore the petitioner is not liable to pay the same. However the respondents are allowed a revised detection bill to the petitioner for the said period on the basis of the consumption recorded during the corresponding period of the previous year i.e. 01/2012 to 06/2012 being undisputed between the parties, after excluding the already charged units during the said period. The respondents are directed to overhaul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills. The petition is disposed of in above terms"

4. Being dissatisfied with the decision of POI dated 28.07.2015 (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, contended that the electricity meter of the respondent was found defective with display washed out during M&T LESCO checking on 07.07.2014. According to LESCO, the detection bill amounting to Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged to the respondent in October 2014 on the basis of connected load was legal, and justified and the respondent is liable to pay the same. LESCO pointed out that the matter was decided by POI on





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28.07.2015 after expiry of the statutory period of 90 days which is violation of section 26(6) of the Electricity Act 1910. LESCO contended that the impugned decision was ex-facie coram non iudice, ab initio void and without jurisdiction and liable to be set aside.

5. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 05.04.2016. In his reply, the respondent contended that neither any notice was served to him nor any inspection was carried out in his presence by M&T LESCO. The respondent denied the installation of AC on his premises and prayed that the impugned decision is in accordance with the law and liable to be upheld.
6. Hearing of the appeal was conducted at Lahore on 15.07.2016. Mr. Saeed Ahmed Bhatti advocate appeared for the appellant LESCO and no one entered appearance for the respondent. Learned counsel for LESCO reiterated the same argument as given in memo of the appeal and contended that the disputed billing meter was found defective with the display washed out by M&T LESCO on 07.07.2014, therefore the detection bill amounting to Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged to the respondent in October 2014 on the basis of connected load was justified and the respondent is liable to pay the same. LESCO prayed that the impugned decision was illegal, void and therefore liable to be set aside.
7. We have heard the arguments of LESCO examined the record placed before us. It is observed as under:
 - i. The detection bill amounting to Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged in October 2014 on the basis of connected load was assailed by the respondent vide his application dated 27.10.2014 before POI.
 - ii. The meter was found defective with display washed out during M&T LESCO checking on 07.07.2014. It is admitted by the respondent that the display of the meter was correct till February 2014, therefore the bills already charged by LESCO as per actual meter reading are correct up-to February 2014 and the respondent is liable to be billed

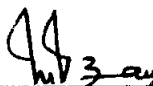






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due to defective meter for the period March 2014 and onwards till the replacement of the meter on the basis of the consumption recorded during the same months of previous year i.e. March 2013 and onwards.

- iii. The detection bill of Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged in October 2014 on the basis of connected load is not justified and the same liable to be withdrawn as determined in the impugned decision.
 - iv. Determination of POI to charge the detection bill for the period January 2014 to June 2014 on the basis of consumption of January 2012 to June 2012 has no justification and therefore liable to be set aside to this extent.
8. In view forgoing discussion, we have reached to the conclusion that:
- i. The detection bill of Rs.73,840/- for 3,015 units for the period January 2014 to June 2014 (6 months) charged in October 2014 on the basis of connected load is not justified and the respondent is not liable to pay the same. Impugned decision is maintained to this extent.
 - ii. The respondent is liable to be billed for the period March 2014 and onwards till the replacement of the electricity meter on the basis of the consumption recorded during the same months of previous year i.e. March 2013 and onwards.
9. The impugned decision is modified in above terms.


Muhammad Qamar-uz-Zainan
Member


NAQIR ALI KHOSO
Convener


Muhammad Shafique
Member

Date: 02.09.2016

