



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

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No. NEPRA/AB/Appeal-037/POI-2016/ 744—748


May 31, 2016

1. M/s Pakistan Telecommunication Co. Ltd.
Through Muhammad Shahid-ul-Haq,
Technical Officer (Engg),
Power Plant, Township Exchange,
Lahore
2. The Chief Executive Officer,
LESCO Ltd,
22-A Queens Road,
Lahore
3. Mirza Fazal Elahi Baig,
Advocate High Court,
House No. 418, Block-3-C-1,
Near Umar Chowk, Township,
Lahore
4. Sub Divisional Officer,
LESCO Ltd,
Green Town Sub Division,
Near Pipe Stop, Minhaj-ul-Quran Road,
Green Town, 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. M/s Pakistan Telecommunication Company Limited
Against the Decision Dated 05.01.2016 of the Electric Inspector/POI to
Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 31.05.2016,
regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Hkram Shakeel)

No. NEPRA/AB/Appeal-037/POI-2016/ 749

May 31, 2016

Forwarded for information please.

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



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National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-037/POI-2016

Lahore Electric Supply Company LimitedAppellant

Versus

Pakistan Telecommunication Limited, Through Muhammad Shahid-ul-Haq,
Technical Officer (Engg), Power Plant, Township Exchange, LahoreRespondent

For the appellant:

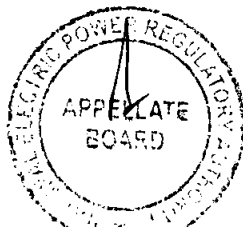
Mirza Fazal Elahi Baig Advocate

For the respondent:

Mr. Muhammad Shahid-ul-Haq

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 05.01.2016 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.24-11213-2721700U with a sanctioned load of 268 kW under A-2c tariff. Both the TOU billing meter and backup meter of the respondent were checked by Metering & Testing (M&T) LESCO on 10.11.2014 and reportedly found 33% slow due to yellow phase being dead. Notice regarding said discrepancy was issued by LESCO to the respondent on 08.12.2014 and a detection bill amounting to Rs.1,411,318/- for 77,080 units/256 kW for the period January 2014 to October 2014(10 months) was charged to the respondent in the





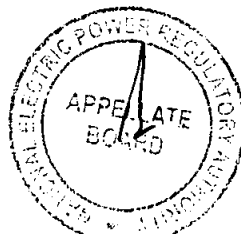
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billing month of February 2015 and multiplication factor (MF) was also enhanced from 80 to 120 from November 2014 and onwards to account for 33 % slowness of the meter.

3. Being aggrieved with the aforementioned detection bill, the respondent filed an application before POI on 19.03.2015. Inspection of the TOU billing meter of the respondent was conducted by POI on 03.08.2015 in which both parties were present and 35% slowness was observed in the TOU billing meter with one phase found dead stop. The matter was disposed of by POI vide its decision dated 05.01.2016 with the following conclusion:

"Summing up the aforesaid discussion, it is held that (I) The metering equipment of the petitioner company recorded established consumption up to the billing month of July 2014 and it became one phase dead stop w.e.f. the billing month of August/2014. (II) The detection bill amounting to Rs.1,411,318/- w.e.f 01/2014 to 10/2014 and added as arrear in the bill of February/2015 is null, void and illegal and the petitioner is not liable to pay the same. LESCO/Respondents are directed to charge the petitioner detection bill @ one phase dead stop w.e.f August/2014 to onwards /replacement of the meter. Respondents are also directed to immediately replace the disputed/slow meter with new accurate energy meter and refund excessively charged/ recovered amounts by adjustment in the future bills and overhaul the account of the petitioner accordingly."

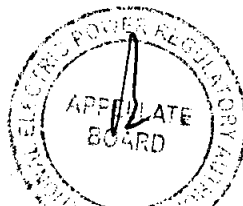
4. Being dissatisfied with the decision of POI dated 05.01.2016 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NERPRA under section 38 (3) of the Act. LESCO in its appeal, inter alia, stated that both the TOU meter and backup meter of the respondent were found defective and not recording the actual consumption of electricity and 33% slowness of both the meters with one phase dead stop was also observed by M&T LESCO on 10.11.2014. According to LESCO, the detection bill of Rs.1,411,318/- for 77,080 units for the period January 2014 to October 2014 (10 months) added in the billing month of February 2015 due to 33% slowness of the meter was legal, justified and the respondent was liable to pay the same.





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5. The notice of the appeal was served upon the respondent for filing reply/parawise comments, which were submitted on 07.04.2016. In its reply, the respondent raised the preliminary objection that the appeal is barred by time and therefore liable to be dismissed on the ground of limitation. The respondent prayed that the impugned decision be maintained and the appeal be dismissed accordingly.
6. Hearing of the appeal was fixed at Lahore on 23.5.2016 for which prior notices were issued to both the parties. On the date of hearing, Mirza Fazal Elahi Baig Advocate appeared for the appellant LESCO and Mr. Muhammad Shahid-ul-Haq appeared as representative of the respondent. The learned counsel for the appellant contended that 33% slowness of the TOU billing meter was detected by M&T LESCO on 10.11.2014, which later on was confirmed by POI during its checking on 03.08.2015 and the detection bill of Rs. 1,411,318/- for 77,080 units for the period January 2014 to October 2014 (10 months) charged to the respondent in February 2015 in order to recover the revenue loss sustained by LESCO due to 33% slowness of the meter during the disputed period. Representative of the respondent pointed out that the appeal was time bared and be dismissed on this ground. Representative of the respondent defended the impugned decision and prayed to uphold the same.
7. We have heard the arguments of both parties and examined the record placed before us. It is observed as under:
 - i. 33% slowness of the meter was noticed by M&T LESCO on 10.11.2014, which was also confirmed by POI during its checking on 03.08.2015 as such there is no controversy on 33% slowness of the TOU billing meter but the period for slowness is disputed. As per clause 4.4(e) of Consumer Service Manual (CSM), maximum period for charging the detection bill due to slowness of the meter is restricted to two billing cycles but in the instant case, the detection bill of Rs. 1,411,318/- for 77,080 units for the period January 2014 to October 2014 was charged to the respondent for 10 months, which obviously is violation of CSM. POI in the impugned decision has correctly analyzed from the consumption data that the TOU billing meter recorded correct consumption till the





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month of July 2014 and the respondent is liable to be billed due to 33% meter slowness of the meter from August 2014 till replacement of the meter. Nothing in the rebuttal has been provided by LESCO against the disputed period of 3 months assessed by POI in the impugned decision.

- ii. Impugned decision for declaring the detection bill of Rs.1,411,318/- for 77,080 units for the period January 2014 to October 2014 (10 months) charged to the respondent in February 2015 as null and void is correct and liable to be maintained. As determined in the impugned decision, the respondent is liable to be billed for 33% slowness of the meter for the period August 2014 to October 2014 (3 months). Impugned decision up to this extent is correct and liable to be upheld.

8. In view of what has been stated above, we do not find any reason to interfere with the impugned decision, which is in accordance with facts and law and therefore upheld. Resultantly the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 31.05.2016

