



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

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No. NEPRA/AB/Appeal-119/POI-2016/ 1615-1620

December 05, 2016

1. Shaukat Ali,
S/o Abdul Aziz,
Prop: Town Factory,
Bara Dari Road, Jia Musa,
Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A Queens Road,
Lahore
3. Mian Tabassum Ali,
Advocate High Court,
Aneexy Auqaf Chowk,
High Court, The Mall,
Lahore
4. Muhammad Younas Chaudhary,
Advocate,
Chaudhary Law Associates,
4-Begum Road, Lahore
5. Assistant Manager,
LESCO Ltd,
Jian Musa SubDivision,
Lahore
6. Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Shaukat Ali Against the Decision Dated 01.06.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

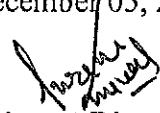
Please find enclosed herewith the Decision of the Appellate Board dated 02.12.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-119/POI-2016/ 1621
Forwarded for information please.

December 05, 2016


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-119/2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Shaukat Ali, S/o Abdul Aziz, Prop: Towel Factory,
Bara Dari Road, Jia Musa, Lahore

.....Respondent

For the appellant:

Mr. Tabassum Ali Advocate
Mr. Fawad Khalid Deputy Manager

For the respondent:

Mr. Muhammad Younas Chaudhary Advocate

DECISION

1. Through this decision an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 01.06.2016 of Provincial Office of Inspection/Electric Inspector, Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. The respondent is an industrial consumer of LESCO bearing Ref No. 24-11132-2401260 with a sanctioned load of 18 kW under A-2b tariff. Brief facts of the case are that TOU meter of the respondent's connection was checked by Standing Committee LESCO on 05.11.2014 and reportedly it was found defective with display of meter and postal order washed. Noticed dated 19.11.2014 was issued to the respondent by LESCO. An application dated 21.02.2015 was filed





National Electric Power Regulatory Authority

by the respondent before POI against excessive billing for March 2015 to August 2015. The same TOU meter was checked by Metering and Testing (M&T) LESCO on 04.09.2015 in the presence of the representative of the respondent and it was found defective with all readings dead stop. The disputed meter was checked by POI on 15.09.2015 and the same was found defective with screen of the meter washed. A detection bill of Rs. 10,292,156/- for 583,512 units for May 2014 to October 2015 was charged to the respondent on connected load basis along with current bill of Rs. 1,020,351/- for November 2015. Subsequently three applications dated 18.09.2015, 21.10.2015 and 18.11.2015 were filed before POI and excessive billing for the months August 2015, September 2015 and October 2015 was challenged. The defective meter was replaced in January 2016. Finally an application dated 18.02.2016 was filed and bill amounting to Rs. 10,769,586/- for January 2016 was assailed. As the subject matter of all the applications was same, the matter was disposed by POI vide its single decision dated 01.06.2016 and it was concluded as under:

"Summing up the aforesaid discussion, it is held that:

- i. Washed out postal orders as observed by Standing Committee on 05.11.2014, 04.09.2015 and by this forum on 15.09.2015 and illegal abstraction of energy was not established by the Respondents and hence this cannot be attributed to the petitioner.*
- ii. The detection bill added as arrears in the bill of November 2015 amounting to Rs. 102,92,156/- for the period of 05/2014 to 10/2015 (18 Months) for 930312 KWH @ 730 Hours x 177 KW MDI x 0.40 L.F. x 18 Months, with current bill charged for Rs. 10,20,351/- for 51680 KWH/177 KW is null, void and illegal and not payable by the petitioner.*
- iii. The petitioner's meter became defective/display washed out in the billing month of July 2014 and all the electricity bills issued w.e.f. July 2014 to MCO in January 2016 are null, void and illegal and the petitioner is not liable to pay the same.*
- iv. Respondents are directed to charge the petitioners @ 21929 KWH/116 KW MDI per Month w.e.f. July 2014 to replacement of meter in January 2016. Respondents are also directed to over haul the account of the petitioner accordingly and proportionately."*



National Electric Power Regulatory Authority

3. Being aggrieved with the POI decision dated 01.06.2016 (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 NEPRA Act 1997). In its appeal, LESCO inter alia contended that the impugned decision be declared illegal, null and void and against the cannons of justice. It was prayed that the respondent be directed to pay all the disputed bills.
4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 25.08.2016. The respondent in his reply/parawise comments denied the assertions of LESCO and pleaded that impugned bills were illegal and he was not liable to pay the same. The respondent defended the impugned decision and prayed that the same should be maintained.
5. After issuing notice to both the parties, the hearing of the appeal was held in Lahore on 07.10.2016 in which both the parties appeared. Learned counsel for the LESCO contended that the meter of the respondent was defective which was confirmed through various departmental checkings as well as checking of POI. According to learned counsel due to negligence of LESCO concerned staff low average bills were charged to the respondent. Therefore detection bill of Rs. 10,292,156/- for 583,512 units for May 2014 to October 2015 charged to the respondent in November 2015 on connected load basis was justified and recoverable from the respondent. The learned counsel for LESCO prayed that impugned decision being unjust and unfair was liable to be withdrawn. On the other hand, Mr. Muhammad Younas Chaudhary advocate, learned counsel for the respondent contended that the impugned decision was arrived at by POI after thorough examination of record and was in accordance with facts and law. He requested that the impugned decision should be maintained.
6. We have heard arguments and checked the record placed before us:
 - i. It is rightly observed by POI through the analysis of the tabulated data that the meter became defective from July 2011 and its actual consumption could not be recorded as display was washed. Due to failure to replace the same estimated reading/billing was done by LESCO staff till January 2015 which is not justified and cause for controversial bills. We are inclined to agree with the determination of POI that the detection bill of



National Electric Power Regulatory Authority

Rs. 10,292,156/- for 583,512 units for May 2014 to October 2015 along with the current bill of Rs. of Rs. 1,020,351/- charged in November 2015 is null and void and not payable by the respondent. We also agree with the calculation of POI for charging electricity bill for July 2014 till January 2016 @ 21,929 units/116 KW per month and the respondent is to be charged electricity bills by LESCO accordingly.

7. In view of discussion of preceding paragraphs, we have reached to the conclusion that impugned decision is correct and need not to be interfered. Therefore the impugned decision is upheld and the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 02.12.2016