



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

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No. NEPRA/AB/Appeal-142/POI-2015/ 726-730


May 31, 2016

1. Rana Fayyaz-ul-Hassan,  
Plot NO. 05, Block-R2,  
Johar Town, 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,  
Air Line Town Sub Division,  
Expo Road, Johar 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. Rana Fayyaz-ul-Hassan Against the Decision Dated 30.10.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 30.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)

No. NEPRA/AB/Appeal-142/POI-2015/ 731

May 31, 2016

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



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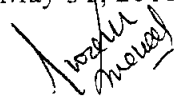
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## National Electric Power Regulatory Authority

### Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-142/POI-2015

Lahore Electric Supply Company Limited .....Appellant

Versus

Rana Fayyaz-ul-Hassan, Plot No. 05,  
Block-R-2, Johar Town, Lahore .....Respondent

For the appellant:

Mirza Fazal Elahi Baig Advocate  
Mr. Mashrootul Hassan UDC

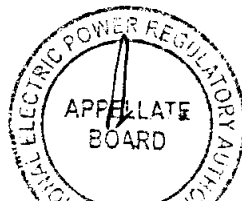
For the respondent:

Rana Fayyaz-ul-Hassan

### 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 30.10.2015 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.24-11217-9009102 with a sanctioned load of 55 kW under A-2 (c) tariff. The electricity meter of the respondent was installed on 12.01.2012. The meter reading of the respondent was checked by SDO LESCO on 31.10.2012 and accordingly first bill for Rs. 1,530,517/- for 106,000 units/436 kW MDI for 12.01.2012 to 31.10.2012 was

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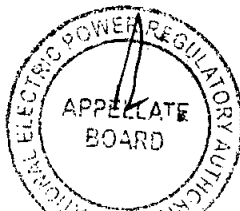
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charged to the respondent in October 2012. Meter of the respondent was again checked by SDO LESCO on 30.11.2012 and reportedly display of both TOU and backup meters were found washed. TOU meter was checked by Metering and Testing (M&T) LESCO on 17.12.2012 and allegedly the postal orders were found tampered. Supply was disconnected on 17.12.2012 and detection bill of Rs. 1,397,913/- for 55 kW load and 50 % load factor was charged to the respondent for 114,825 units/168 kW MDI for the period 12.01.2012 to 17.12.2012 in billing month for December 2012. The respondent challenged the detection bill before Senior Civil Judge, Lahore who referred the matter to POI for adjudication vide his decision dated 11.12.2014. New meter of the respondent was installed in April 2013 and supply was restored.

3. The application was filed before POI on 27.05.2015. The respondent in his application stated that detection bill of Rs. 1,397,913/- charged in December 2012 for the period 12.01.2012 to 17.12.2012 was unjustified and illegal as LESCO had already charged bill of Rs. 1,530,517/- as per actual meter reading for the period 12.01.2012 to 31.10.2012. The respondent pleaded that he was liable to be charged for the period 01.11.2012 to 17.12.2012 only as his supply was disconnected on 17.12.2012. The respondent prayed for setting aside detection bill, 60 % of which was already deposited. POI disposed of the matter vide its decision dated 30.10.2015 with the following conclusion:

*“Summing up the aforesaid discussion, it is held that:-*

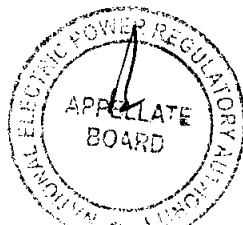
- i. The petitioner was rightly charged amounting to Rs. 1530517/- in the first bill charged in 10/2012 for 106000 KWH / 436 KW MDI for the period of 12.01.2012 to 31.10.2012.*
- ii. Detection Bill charged to the petitioner for 114825 units/168 KW MDI @ 55 KW x 50 % Load Factor for the period of 12.01.2012 to 17.12.2012 is held as null, void and of no legal consequence and the petitioner is not liable to pay the same.*





## National Electric Power Regulatory Authority

- iii. *LESCO authorities are directed to charge the petitioner @ 11277 KWH / 46.4 KW per month for the period 01.11.2012 to 17.12.2012 accordingly and proportionately and refund excessively charged and recovered amounts through bill adjustments in future."*
4. Being dissatisfied with the decision of POI dated 30.10.2015 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal and in its appeal LESCO inter alia, prayed that impugned decision may kindly be set aside in the interest of justice, equity and fair play.
5. In response to the instant appeal, a notice was issued to the respondent for filing reply/parawise comments, which were filed on 25.01.2016. The respondent in his reply/parawise comments denied the allegations of LESCO and prayed for upholding the impugned decision being quite legal, based on facts, justice, equity and fair play.
6. After issuing notice to both the parties, the appeal was heard at Lahore on 23.05.2016, in which both the parties entered their appearance. Mirza Fazal Elahi Baig Advocate and other representative of LESCO agreed that the respondent was rightly charged bill of Rs. 1,530,517/- for 106,000 units/436 kW MDI for the period 12.01.2012 to 31.10.2012 as per actual meter reading by LESCO. The learned counsel for LESCO contended that the detection bill of Rs. 1,397,913/- for 55 kW load and @ 50 % load factor charged to the respondent for 11,4825 units/168 kW MDI for the period 12.01.2012 to 17.12.2012 was justified as the display of the metering equipment was found washed during checking on 30.11.2012. Rana Fayyaz-ul-Hassan the respondent appearing in person submitted that the impugned decision was announced by POI in accordance with facts and law and was liable to be maintained.
7. We have heard the arguments and examined the record placed before us. It is observed that POI in the impugned decision has correctly determined that the respondent was





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rightly charged for Rs. 1,530,517/- for 106,000 units/436 kW MDI as per actual meter reading for the period of 12.01.2012 to 31.10.2012 and the detection bill charged to the respondent for the period 12.01.2012 to 17.12.2012 due to washed display of the meter for 55 KW load and 50 % load factor for 114,825 units/168 kW MDI is null & void and liable to be withdrawn. We are in agreement with the determination of POI that the respondent is liable to be charged @ 11,277 kWh/46.4 kW MDI per month for the period 01.11.2012 to 17.12.2012.

8. In view of above discussion, we do not find any reason to interfere with the impugned decision which is based on law and facts. The impugned decision is therefore upheld and appeal of LESCO is dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Date: 30.05.2016

