



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-085/POI-2016/ 075-079

January 13, 2017

1. Rashid Anwar,  
Through Sh. Moazzam Ali,  
S/o Haji Ghulam Nabi,  
R/o Mohallah Karorian,  
Sharqpur, Distt. Sheikhpura
2. The Chief Executive Officer  
LESCO Ltd,  
22-A Queens Road,  
Lahore
3. Muhammad Arif Malhi,  
Advocate High Court,  
01-District Courts,  
Sheikhpura
4. Sub Divisional Officer,  
LESCO Ltd,  
Sharqura Sub Division,  
District Sheikhpura
5. Electric Inspector  
Lahore Region, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Rashid Anwar Against the Decision Dated 22.03.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 12.01.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-085/POI-2016/ 080

Forwarded for information please.

(Ikram Shakeel)

January 13, 2017

  
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-085/POI-2016

Lahore Electric Supply Company Limited .....Appellant

Versus

Rashid Anwar through Sh. Moazzam Ali, S/o Haji Ghulam Nabi,  
R/o Mohallah Karonian Sharqpur, District Sheikhpura .....Respondent

#### For the appellant:

Mr. Muhammad Asif, Advocate  
Mr. Muhammad Arshad AMO

#### For the respondent:

Mr. Muhammad Moazzam Ali

### DECISION

1. Facts give rising to the instant appeal are that the respondent is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.16-11126-1455800U with a sanctioned load of 1kW under A-1R tariff. The electricity meter of the respondent was checked by Metering & Testing (M&T) LESCO on 22.10.2014. Reportedly software of the electricity meter was found disturbed and the connected load found was 3.139 kW being higher than the sanctioned load. After issuing notice dated 23.10.2014 to the respondent regarding the above discrepancy, a detection bill of Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) along with current bill of Rs.10,085/- for 584 units was charged by LESCO to the respondent in November 2014 on the basis of connected load. As per LESCO, the respondent made the payment of electricity bills charged by LESCO till January 2015 without any protest. Contrary to the contention of LESCO, the respondent was not satisfied by the billing of LESCO.

12



## National Electric Power Regulatory Authority

2. Being aggrieved, the respondent filed an application before Provincial Office of Inspection Lahore (hereinafter referred to as POI) on 08.12.2014 and challenged the aforementioned detection bill. POI inspected the electricity meter of the respondent in presence of both the parties on 09.06.2015 and the same was found defective with display error/software disturbed. The matter was disposed of by the POI vide its decision dated 22.03.2016, the operative portion of which is reproduced below:

*"Summing up the aforesaid discussion, it is held that (i) The petitioner meter became defective in the month of 10/2014. (ii) The detection bill amounting to Rs.111,206/- added as arrears in the bill of 11/2014 for the cost of net chargeable units of 4908 KWH for the period of 11/2014 to 01/2015 for 3 months and current bill amounting to Rs.10,085/- for 584 units in winter month of 11/2014 is held as null, void and of no legal consequence and the petitioner is not liable to pay the same. The respondents are directed to charge the petitioner on the defective estimate code as per clause 4.4(e) of CSM 2010, approved by NEPRA Authority w.e.f 10/2014 to the replacement of new meter and overhaul the account of the petitioner accordingly."*

3. Being dissatisfied with the decision of POI dated 22.03.2016 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA 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). LESCO in its appeal inter alia, contended that the electricity meter of the respondent was found defective with display error/software disturbed during M&T checking on 22.10.2014 and the connected load was observed much higher than the sanctioned load. According to LESCO, the detection bill amounting to Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) along with current bill of Rs.10,085/- for 584 units was charged to the respondent in November 2014 on the basis of connected load and the respondent made a payment of Rs.135,957/- till January 2015 without raising any objection. LESCO pointed out that the application was filed by the respondent on 08.12.2014, whereas the same was decided by Electric Inspector on 22.03.2016 after an inordinate delay, hence the impugned decision is



## National Electric Power Regulatory Authority

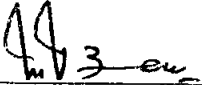
nullity on the face of it. LESCO pleaded that the impugned decision is illegal, unlawful, without lawful authority and therefore liable to be set aside in the interest of justice.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 26.06.2016. In his reply/parawise comments, the respondent rebutted the assertions of LESCO and contended that neither any inspection was carried out by LESCO nor any notice was served upon him, moreover no payment was made against the detection bill of Rs.135,957/- charged for the period November 2014 to January 2015.
5. The hearing of the appeal was conducted at Lahore on 23.12.2016 in which both the parties entered their appearance. Mr. Muhammad Arif advocate learned counsel for the appellant reiterated the same arguments as given in memo of the appeal and contended that the disputed meter was found defective with display error/software disturbed by M&T on 22.10.2014. According to the learned counsel for LESCO, a detection bill of Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) along with current bill of Rs.10,085/- for 584 units charged to the respondent in November 2014 on the basis of connected load is legal, justified and the respondent is liable to pay the same. On the other hand, the respondent averred that neither any notice was served upon him, nor any inspection was carried out, therefore charging of the aforementioned detection bill has no justification and liable to be withdrawn.
6. We have heard the argument of both the parties, examined the record placed before us. It is observed as under:
  - i. Regarding preliminary objection raised by LESCO for announcement of the impugned decision by Electric Inspector after an inordinate delay, it may be noted that the impugned decision was rendered by the officer in his capacity as POI under section 38 of the NEPRA Act 1997, which does not impose any restriction of time. Hence the objection of LESCO in this respect is not valid.
  - ii. The detection bill amounting to Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) charged to the respondent in November 2014 on the basis of connected load was assailed by the respondent before POI vide his




## National Electric Power Regulatory Authority

- application dated 08.12.2014.
- iii. The electricity meter of the respondent was found defective with display error/software disturbed during M&T LESCO checking on 22.10.2014 and the same discrepancy was also confirmed by POI during its checking on 09.06.2015. However charging the detection bill of Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) to the respondent in November 2014 on the basis of connected load is inconsistent with the provisions of Consumer Service Manual (CSM). As per clause 4.4(e) of CSM, maximum period for charging the detection bill due to a defective meter is restricted to two billing cycles. Under these circumstances, the detection bill of Rs.111,206/- for 4,908 units for the period November 2014 to January 2015 (3 months) charged to the respondent in November 2014 is against the provisions of law on the subject.
- iv. POI has rightly determined in the impugned decision that the meter became defective in October 2014, therefore the respondent is liable to be charged on the basis of defective code with effect from October 2014 and onwards till the replacement of the meter as laid down in Clause 4.4(c) of CSM.
7. In view of forgoing considerations, we do not find any reason to interfere with the impugned decision, which is upheld and consequently the appeal is dismissed.

  
Muhammad Qamar-uz-Zaman  
Member

  
Nadir Ali Khoso  
Convener

  
Muhammad Shafique  
Member

Dated: 12.01.2017