



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

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No. NEPRA/AB/Appeal-031/POI-2013/1018-1023

July 11, 2017

1. M/s Asif Mahmood Molding Works,  
Asif Mahmood,  
S/o Muhammad Shafi,  
Street No. 12, Zaitoon Colony,  
Daroghanwala, G. T. Road,  
Lahore
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Saeed Ahmed Bhatti,  
Advocate High Court,  
Second Floor, Akram Mansion,  
Neela Gumbad, Lahore
4. Hafeez-ur-Rehman,  
Advocate Supreme Court,  
Lawmen Associates,  
4-A, Mozang Road, Lahore
5. Assistant Manager (Operation),  
LESCO Ltd,  
Salamat Pura Sub Division,  
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. M/s Asif Mahmood Molding Works Against the Decision Dated 29.08.2013 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 11.07.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-031/POI-2013/1024

July 11, 2017

Forwarded for information please.

Assistant Director  
Appellate Board

✓ 1. Registrar

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-031/POI-2013

Lahore Electric Supply Company Limited .....Appellant

Versus

M/s Asif Mahmood Molding Works, Asif Mahmood  
S/o Muhammad Shafi, Street No.12, Zaitoon Colony,  
Daroghanwala, G.T. Road, Lahore .....Respondent

For the appellant:

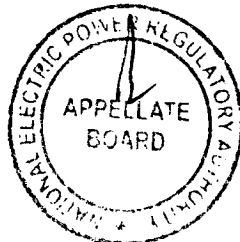
Mr. Saeed Ahmed Bhatti Advocate  
Mr. Mahad Ali SDO

For the respondent:

Mr. Qaisar Mahmood Ch. Advocate  
Mr. Rehan Mahmood

## DECISION

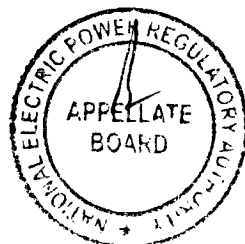
1. As per facts of the case, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 29.08.2013 of the Provincial Office of Inspection/Electric Inspector Lahore Region, Lahore (POI) was dismissed by the Appellate Board on 22.04.2014 on the grounds of limitation. The decision was challenged by LESCO before the Honorable Lahore High Court Lahore through Writ Petition No.34052 of 2015, whereby the decision dated 22.04.2014 of the Appellate Board was set aside by the Honorable High Court vide the decision dated 01.02.2017 with the directions to NEPRA to decide the matter on merits.
2. In pursuance of the directions of Honorable High Court, the matter was again taken up and the appeal was reheard in Lahore on 19.06.2017 wherein Mr. Saeed Ahmed Bhatti





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advocate along with Mr. Mahad Ali SDO entered appearance for the appellant LESCO and Mr. Qaisar Mahmood advocate along with Mr. Rehan Mehmood Managing Director represented the respondent. Learned counsel for LESCO contended that old meter of the respondent was found 66% slow during metering & testing (M&T) LESCO checking in December 2011, therefore a detection bill of Rs.1,463,731/- for the period August 2011 to October 2011 (3 months) was charged to the respondent by LECO @ 66% slowness of the old defective meter. As per learned counsel for LESCO, the aforesaid detection bill was challenged by the respondent before POI vide his first application, which however was dismissed vide POI decision dated 31.05.2012 (first decision) as 66% slowness of the old defective meter was confirmed. Learned counsel for LESCO submitted that the respondent was charged with enhanced multiplication factor (MF) by LESCO till the replacement of the old defective meter on 10.08.2012. LESCO averred that the new meter of the respondent was checked by M&T LESCO on 19.10.2012 and reportedly it was found 33% slow due to one phase being dead stop, hence second detection bill of Rs.458,123/- for 38,996 units for the period August 2012 to September 2012 (2 months) was debited to the respondent in October 2012 @ 33% slowness of the new meter. The respondent agitated the aforesaid detection bill along with the bill of July 2012 before POI. As regards the bill of Rs.1,280,522/- for 102,960 units charged in July 2012 @ 66% old defective meter, LESCO argued that 66% slowness of the old defective meter was already confirmed and decided by POI vide his first decision dated 31.05.2012 and the bill for July 2012 charged due to aforesaid 66% slowness could not be assailed by the respondent. Learned counsel for LESCO pointed out that

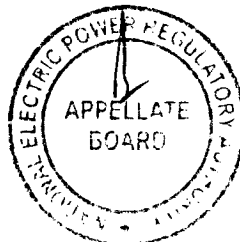




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the consumption data proves that the new meter remained slow during the months i.e. August 2012 and September 2012, therefore the second detection bill of Rs.458,123/- for 38,996 units was charged by LESCO for the same period. On the contrary, representatives for the respondent admitted 66% slowness of the old disputed meter but in the subsequent checking by POI on 29.04.2013, both the old disputed and new meters were found 33% slow, therefore the POI decision dated 29.08.2013 (impugned decision) for cancellation of the bill for 102,960 units charged in July 2012 @ 66% slowness of the meter and the second detection bill of Rs.458,123/- for 38,996 units for the period August 2012 to September 2012 (2 months) debited in October 2012 @ 33% slowness of the new meter is justified and liable to be upheld.

3. Arguments heard, record perused and observed as under:
  - i. The respondent assailed the electricity bill of Rs.1280,522/- for 102,960 units charged by LESCO in July 2012 @ 66% slowness of the old meter before POI and prayed for revision of the same @ 33 % slowness. 66% slowness of the old defective meter was observed by M&T LESCO in December 2011 and also confirmed by POI. Consequently LESCO charged the electricity bills with enhanced MF to the respondent due to 66% slowness of the old meter till the installation of new meter on 10.08.2012, which were paid by the respondent accordingly. Hence such bills cannot be challenged at a later stage and not liable to be revised. Impugned decision for cancellation of the electricity bill of Rs.1,280,522/- for 102,960 units charged in July 2012 is not correct and liable to be withdrawn to this extent.
  - ii. Second detection bill of Rs.423,267/- for 38,996 units for the period August 2012





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to September 2012 (2 months) was debited by LESCO to the respondent in October 2012 @ 33% slowness of the new meter, which was agitated by him before POI.

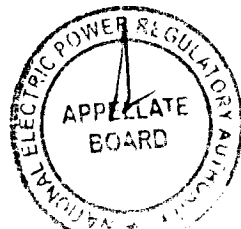
- iii. 33% slowness of the new meter was observed during M&T LESCO checking dated 19.10.2012 and confirmed by POI during checking on 29.04.2013. Now only the period of slowness is to be ascertained. In this regard billing statement of the respondent is given below:

Month	Units	MDI (kW)	Month	Units	MDI (kW)
August 2012	43,360	185	August 2011	19,840	126
September 2012	34,400	173	September 2011	17,760	124
<b>Total</b>	<b>77,760</b>	<b>358</b>	<b>Total</b>	<b>37,600</b>	<b>250</b>

From the above table it is revealed that total units and MDI charged in normal mode during the disputed months i.e. August 2012 and September 2012 are much higher than the total units and MDI charged in normal mode during the corresponding undisputed months i.e. August 2011 and September 2011. POI has rightly analyzed in the impugned decision that the new meter was working correctly during the aforesaid disputed months and became 33% slow in October 2012. Under these circumstances, second detection bill of Rs.423,267/- for 38,996 units for the period August 2012 to September 2012 (2 months) debited by LESCO to the respondent in October 2012 @ 33% slowness of the new meter has no justification. Impugned decision is liable to be maintained to this extent.

4. Forgoing in view, it is therefore concluded that:

- i. The impugned decision for cancellation of the electricity bill of Rs.1,280,522/-





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for 102,960 units charged in July 2012 is not correct, therefore withdrawn to this extent. The respondent should pay this bill accordingly.

ii. Second detection bill of Rs.423,267/- for 38,996 units for the period August 2012 to September 2012 (2 months) debited by LESCO to the respondent in October 2012 @ 33% slowness of the new meter is unjustified, therefore cancelled as already decided by POI.

5. Impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Nadir Ali Khoso  
Convener

Muhammad Shafique  
Member

Dated: 11.07.2017

