



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

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No. NEPRA/AB/Appeal-041/POI-2013/ 753-756

May 22, 2017

1. Malik Muhammad Munir
S/o Muhammad Amin,
Through Muhammad Zaman,
R/o H. # 19, St. # 2,
Kotha Pind, Faisal Town,
Lahore
2. The 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. Assistant Manager (Operation),
LESCO Ltd,
Faisal Town Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Malik Muhammad Munir Against the Decision Dated 21.05.2013 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 18.05.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-041/POI-2013/757

May 22, 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-041/POI-2013

Lahore Electric Supply Company LimitedAppellant

Versus

Malik Muhammad Munir S/o Muhammad Amin,
Through Muhammad Zaman R/o House No.19,
St No.2, Kotha Pind, Faisal Town, LahoreRespondent

For the Appellant:

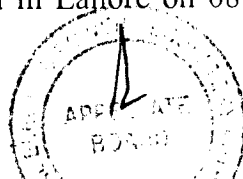
Mr. Saeed Ahmed Bhatti Advocate
Mr. Saad Saleem SDO

For the Respondent:

Nemo

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 21.05.2013 of the Provincial Office of Inspection/Electric Inspector Lahore Region, Lahore was dismissed by the Appellate Board on 06.11.2013 on the grounds of limitation. The decision was challenged by LESCO before the Honorable Lahore High Court Lahore through Writ Petition No. 39623 of 2015, whereby the decision dated 06.11.2013 of the Appellate Board was set aside by the Honorable High Court vide decision dated 25.04.2016 with the directions 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 08.05.2017 wherein Mr. Saeed Ahmed



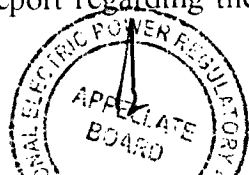


National Electric Power Regulatory Authority

Bhatti advocate along with Mr. Saad Saleem SDO entered appearance for the appellant LESCO and no one appeared for the respondent. Learned counsel for LESCO contended that meter of the respondent was found tampered and a shunt was found installed inside the meter for theft of electricity during Metering and Testing (M&T) LESCO checking dated 18.08.2011, therefore the detection bill of Rs.119,419/- for 7,034 units for the period March 2011 to August 2011 (6 months) charged to the respondent on the basis of connected load is justified and the respondent is liable to pay the same. Learned counsel informed that the disputed meter which was tampered subsequently was installed at respondent's premises by LESCO in June 2016. Learned counsel argued that the determination of the disputed period cannot be relied upon the past consumption as the actual consumption was not recorded since long due to theft of electricity. However SDO LESCO conceded for revision of the aforesaid detection bill for three months instead of six months as the disputed meter was installed in June 2011.

3. Arguments heard, record perused and observed as under:

- i. Meter of the respondent was found tampered during M&T checking dated 18.08.2011, therefore the detection bill of Rs.119,419/- for 7,034 units for the period March 2011 to August 2011 was charged by LESCO to the respondent, which was agitated before POI on 17.12.2012.
- ii. The previous meter of the respondent was replaced with the disputed meter in June 2011. There is no report regarding the detection of any discrepancy in the



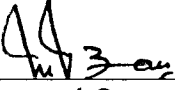


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removed meter. It is further observed that the meter of the respondent was found tampered by LESCO in August 2011, since this meter was installed three months ago as such, there is no justification to charge the detection bill beyond three months that is total period of its installation. Moreover pursuant to clause 9.1c(3) of Consumer Service Manual (CSM), being a domestic consumer the maximum period for charging the detection bill in such cases is three billing cycles as there exists no approval of the Chief Executive Officer for charging the detection bill beyond three months.

4. Forgoing in view, it is therefore concluded that the detection bill amounting to Rs.119,419/- for 7,034 units for the period March 2011 to August 2011 charged to the respondent is unjustified, therefore set aside as already determined in the impugned decision. The respondent should be charged the detection bill for three billing months i.e. June 2011 to August 2011.


Impugned decision is modified in above terms.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Dated: 18.05.2017

