



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

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No. NEPRA/AB/Appeal-112/POI-2016/ 488-490

April 11, 2017

1. Khawaja Ayaz Bilal,  
R/ o House No. 122/3-B,  
Zaman Colony, Lahore Cantt
2. The Chief Executive Officer  
LESCO Ltd,  
22-A Queens Road,  
Lahore
3. Muhammad Nadeem Kazim,  
Advocate High Court,  
Al-Wakeel Building,  
9-Fane Road, Lahore
4. Sub Divisional Officer,  
LESCO Ltd,  
Cavalary Ground Sub Division,  
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. Khawaja Ayaz Bilal Against the Decision Dated 05.04.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 07.04.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-112/POI-2016/ 489/

Forwarded for information please.

(Ikram Shakeel)

April 11, 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-112/POI-2016

Lahore Electric Supply Company Limited .....Appellant

Versus

Khawaja Ayyaz Bilal R/o House No.122/3-B,  
Zaman Colony, Lahore Cantt .....Respondent

For the appellant:

Mr. Nadeem Kazim Advocate

For the respondent:

Nemo

### DECISION

1. Through this decision an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 05.04.2016 of Provincial Office of Inspection Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that the respondent is a domestic consumer of LESCO bearing Ref No.08-11541-0595900-U with a sanctioned load of 2kW under A1-a tariff. Electricity meter of the respondent was checked by Metering and Testing (M&T) LESCO on 25.07.2014 and reportedly the same was found tampered. After

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issuing notice dated 04.08.2014 to the respondent regarding above discrepancy, a detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to July 2014 (6 months) was charged by LESCO to the respondent in November 2014 on the basis of connected load.

3. Being aggrieved with the aforesaid detection bill, the respondent filed an application before POI on 24.11.2014 and challenged the detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to July 2014 charged by LESCO. The matter was disposed of by POI vide its decision dated 05.04.2016 with the following conclusion:

*“Summing up the aforesaid discussion, it is held that: i. The detection bill amounting to Rs.110,937/- added as arrear in the bill of October 2014 for the period 02/2014 to 07/2014 and the bills of August 2014 to installation of new meter (restoration of supply of the petitioner) are null, void and of no legal consequence and the petitioner is not liable to pay the same. ii. The respondents are directed to charge the petitioner as per Clause 14.1 of the CSM, 2010 approved by NEPRA Authorities for the period of August 2014 to installation of new meter (restoration of supply) and overhaul the account of the petitioner accordingly.”*

4. LESCO has assailed the POI decision dated 05.04.2016 (hereinafter referred to as the impugned decision) in the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter

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referred to as the NEPRA Act 1997). In its appeal, LESCO contended that the meter of the respondent was found tampered during M&T checking on 25.07.2014, therefore the detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to July 2014 was charged to the respondent on the basis of connected load. LESCO pleaded that the impugned decision rendered by POI is illegal, unlawful without jurisdiction and therefore liable to be set aside. A notice of the above appeal was issued to the respondent for filing reply/parawise comments, which however were not submitted.

5. After issuing notice to both the parties, hearing of the appeal was conducted in Lahore on 31.03.2017 in which Mr. Nadeem Kazim advocate appeared for the appellant LESCO and no one entered appearance for the respondent. Learned counsel for LESCO reiterated the same arguments as earlier given in memo of the appeal and contended that the meter of the respondent was found tampered, accordingly a notice was served to the respondent regarding above discrepancy, which was not replied. According to learned counsel for LESCO, a detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to July 2014 was charged to the respondent in order to recover the revenue loss sustained due to above discrepancy, which should be paid by the respondent. LESCO further pleaded that the impugned decision was unjustified and liable to be set aside.
6. Arguments of LESCO heard, the record perused, following are our observations:

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- i. As regards the jurisdiction of POI, this objection was neither raised during the arguments nor pressed by the learned counsel for LESCO, hence objection is not sustainable and liable to be dismissed.
- ii. As regards merit of the case, Detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to July 2014 was charged by LESCO to the respondent on the basis of connected load, which was challenged by the respondent before POI vide application dated 24.11.2014.
- iii. Comparison of the consumption recorded between the disputed and undisputed periods as per data provided by LESCO is tabulated as under:

Undisputed Period				Disputed Period	
2012	Units	2013	Units	2014	Units
February	240	February	250	February	244
March	204	March	261	March	239
April	220	April	221	April	263
May	299	May	223	May	294
June	312	June	377	June	350
July	313	July	362	July	392
<b>Total</b>	<b>1,588</b>	<b>Total</b>	<b>1,694</b>	<b>Total</b>	<b>1,782</b>

It is evident from the above table that the total consumption recorded in normal mode during the disputed period February 2014 to July 2014 is higher than the total consumption recorded in normal mode during the corresponding months of year 2012 and 2013, which establishes that the actual consumption was being recorded by the meter during the disputed period. Therefore the detection bill amounting to Rs.110,937/- for 3,084 units for the period February 2014 to



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July 2014 charged to the respondent in November 2014 on the basis of connected load has no justification and declared null and void as already determined in the impugned decision.

7. Forgoing in view, the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 07.04.2017