



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-139/POI-2016/1746-1751


November 29, 2017

1. Muhammad Rafi,  
S/o Kandaal,  
Through Imran Faisal,  
Manchan-e-Abad, Chunian
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Mehar Shahid Mahmood,  
Advocate High Court,  
Office No. 25, Third Floor,  
Ali Plaza, 3-Mozang Road,  
Lahore
4. Ch. Nisar Ahmad,  
Advocate High Court,  
4-A, Mozang Road,  
Lahore
5. Sub Divisional Officer,  
LESCO Ltd,  
Ellah Abad 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. Muhammad Rafi Against the Decision Dated 19.07.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 24.11.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)

No. NEPRA/AB/Appeal-139/POI-2016/1752

November 29, 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-139/POI-2016

Lahore Electric Supply Company Limited .....Appellant

Versus

Muhammad Rafi S/o Kandaal Through Imran Faisal,  
Manchan-e-Abad, Chunian .....Respondent

#### For the appellant:

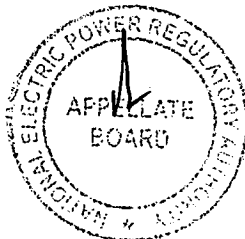
Mehar Shahid Mehmood Advocate  
Mr. Mudassar Shah SDO

#### For the respondent:

Mr. Mohsin Raza

### DECISION

1. As per facts of the case, the respondent is an agricultural consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.45-11734-0924701 with a sanctioned load of 5.59kW under D-1(b)(50) tariff. As per LESCO, billing meter of the respondent was checked by metering and testing (M&T) LESCO on 29.12.2014 and it was found 33% slow due to one phase being dead, hence the detection bill amounting to Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (5 months) was debited to the respondent in March 2015 @ 33% slowness of the meter.



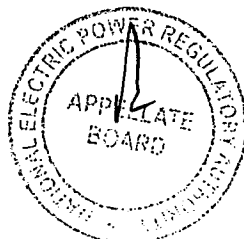


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2. The respondent filed an application before the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as POI) on 04.05.2015 and challenged the aforesaid detection bill. Disputed meter of the respondent could not be checked by POI on 30.03.2016 as already removed by LESCO in December 2014. The matter was decided by POI vide its decision dated 19.07.2016 with the following conclusion:

*“Summing the aforesaid discussion, it is held that: (i) The disputed energy meter (Meter No.48841) became 33% slow w.e.f. the billing month of October 2014 to MCO in December 2014 (ii) The detection bill charged for net chargeable units of 4812 KWH (14583 KWH assessed-already charged 9771 KWH=4812 KWH) for the period 06/2014 to 11/2014 for 6 months is null, void and of no legal consequence and the petitioner is not liable to pay the same. The respondents are directed to overhaul the account of the petitioner accordingly.”*

3. Being dissatisfied with the decision dated 19.07.2016 of POI (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA under Section 38(3) of NEPRA Act, 1997. In its appeal LESCO inter alia, contended that the meter of the respondent was found 33% slow during M&T checking dated 29.12.2014, therefore the detection bill of Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) was charged to the respondent on account of 33% slowness of the meter. As per LESCO, the impugned decision rendered by

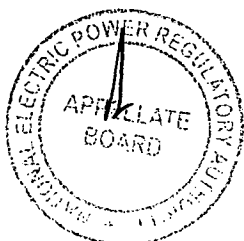




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the Electric Inspector is against the settled principles, facts and law, therefore liable to be set aside.

4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 28.08.2017. In his reply, the respondent rebutted the stance of LESCO regarding charging the detection bill of Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) and contended that the aforementioned impugned detection bill charged by LESCO is quite illegal and contrary to the provisions of Consumer Service Manual (CSM) and he is not responsible for payment of the same.
5. After issuing notices to both the parties, the hearing of the appeal was held at Lahore on 23.10.2017, which was attended by both the parties. Learned Counsel for LESCO contended that the meter of the respondent was checked by LESCO on 29.12.2014 and it was found 33% slow due to one phase being dead, therefore the detection bill of Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) charged to the respondent @ 33% slowness of the meter is justified and payable. LESCO averred that the POI admitted the consumption declined from the October 2014 and onwards but cancelled the entire detection bill charged for the period June 2014 to November 2014 (6 months) @ 33% slowness. LESCO further explained that the consumption recorded by the meter in September 2014 also confirms that the meter was slow during this month as well. Conversely the



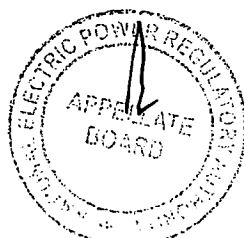


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representative for the respondent defended the impugned decision and prayed for upholding the same.

6. We have heard the arguments of both the parties and examined the record placed before us. It is observed as under:

- i. 33% slowness of the meter was observed by M&T LESCO on 29.12.2014, therefore it was replaced by LESCO vide meter change order (MCO) in December 2014. Subsequently a detection bill amounting to Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) was debited to the respondent by LESCO in March 2015 on account of 33% slowness of the meter, which was agitated by him before POI on 04.05.2015. 33% slowness of the meter is admitted in the impugned decision but the period allowed is October 2014 to December 2014 instead of June 2014 to November 2014.
- ii. LESCO charged the detection bill for June 2014 to November 2014 (six months), which is inconsistent with clause 4.4 (c) of CSM, which allows for two billing months only. Moreover LESCO staff did not point out any discrepancy in the disputed billing meter during the monthly readings prior to M&T LESCO checking dated 29.12.2014 as required under chapter 6 of CSM. The disputed meter of the respondent could not be checked by POI on 30.03.2016 in order to ascertain its accuracy/defect as already removed by





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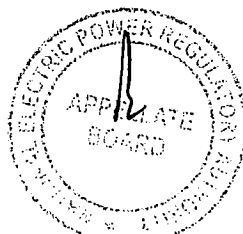
LESCO in December 2014. Under these circumstances, the detection bill of Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) charged to the respondent @ 33% slowness of the meter has no justification and the same is liable to be cancelled as already determined in the impugned decision.

- iii. It would be fair and appropriate to charge the detection bill for two months i.e. October 2014 to November 2014, if low consumption established:

Undisputed		Disputed	
Months	Units charged	Months	Units
October 2013	744	October 2014	136
November 2013	1,754	November 2014	1,012

Above table manifests that the consumption recorded by the meter for the months i.e. October 2014 to November 2014 is much lesser than the consumption of October 2013 to November 2013, which shows that the meter remained defective during these months. Therefore the respondent is liable to be charged the detection bill for the period October 2014 to November 2014 under clause 4.4 (e) of CSM on the basis of corresponding consumption of previous year i.e. October 2013 to November 2013 or average of last undisputed eleven months i.e. July 2013 to May 2014, whichever is higher.

7. Forgoing in view, it is concluded as under:





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- i. The detection bill of Rs.251,541/- for 4,812 units for the period June 2014 to November 2014 (6 months) charged to the respondent by LESCO in March 2015 @ 33% slowness of the meteris unjustified, therefore cancelled as already decided by POI.
  - ii. The respondent should be charged the detection bill for two billing cycles i.e. October 2014 to November 2014 on the basis of corresponding consumption of October 2013 to November 2014 or average of last eleven months i.e. July 2013 to May 2014, whichever is higher.
  - iii. The billing account of the respondent should be overhauled in accordance with para 8 (i) and (ii) above.
8. The impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 24.11.2017

