



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

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No. NEPRA/AB/Appeal-171/POI-2016/ 1843-1847

November 30, 2017

1. Zaheer Ud Din Bhatti,
S/o Fazal Ud Din Bhatti,
499, E-Block, Gulshan-e-Ravi,
Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Rana Muhammad Siddique,
Advocate High Court,
1/6, Farid Kot Road,
Lahore
4. Sub Divisional Officer,
LESCO Ltd,
Gulshan-e-Ravi 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. Zaheer Ud Din Bhatti Against the Decision Dated 20.09.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 29.11.2017, regarding the subject matter, for information and necessary action accordingly.

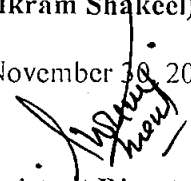
Encl: As Above

No. NEPRA/AB/Appeal-171/POI-2016/ 1848

Forwarded for information please.

(Ikram Shakeel)

November 30, 2017


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-171/POI-2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Zaheer Ud Din Bhatti S/o Fazal Ud Din Bhatti, 499,
E-Block, Gulshan-e-Ravi, Lahore

.....Respondent

For the appellant:

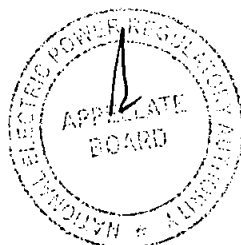
Rana Muhammad Siddiqui

For the respondent:

Mr. Zaheer Ud Din Bhatti

DECISION

1. As per fact of the case, the respondent is a residential consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.12-11112-0811300 with a sanctioned load of 1 kW under A-1 tariff. Electricity meter of the respondent was checked by LESCO on 24.08.2015 and reportedly it was found dead stop and the switch system was installed. Due to above discrepancy, the respondent was charged a detection bill amounting to Rs.48,677/- for 2,175 units for the period June 2015 to August 2015 (3 months) by LESCO in October 2015 on the basis of connected load.
2. Being aggrieved with the aforementioned detection bill, the respondent filed an

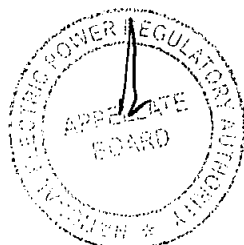




National Electric Power Regulatory Authority

application before Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the POI) on 20.09.2015, which was disposed of by POI vide its decision dated 20.09.2016 (hereinafter referred to as the impugned decision) on ex-parte basis as LESCO failed to attend the hearings despite repeated notices.

3. Being dissatisfied with the impugned decision, LESCO has filed the instant appeal under Section 38 (3) of the NEPRA Act 1997. In its appeal, LESCO inter alia, contended that premises of the respondent was inspected by LESCO on 24.08.2015, the meter was found dead stop and the switching equipment was installed. As per LESCO, after issuing notice dated 24.08.2015 to the respondent, a detection bill of Rs.48,677/- for 2,175 units for the period June 2015 to August 2015 was charged to the respondent in October 2015, which is legal, valid and justified. LESCO stated that the impugned decision was given without hearing view point of LESCO as no notice in this regard was served to LESCO. According to LESCO, POI misconceived the real facts of the case and has no power to set aside the aforesaid detection bill on the basis of judgment reported as PLD 2006 Supreme Court 328. LESCO pleaded that the impugned decision is illegal, unlawful, without jurisdiction, arbitrary and based on surmises, therefore liable to be set aside.
4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed by the respondent on 15.12.2016. In his reply/parawise comments, the respondent inter alia, rebutted the stance of LESCO and contended that neither any prior notice was served upon him nor the inspection dated 24.08.2015 as claimed by

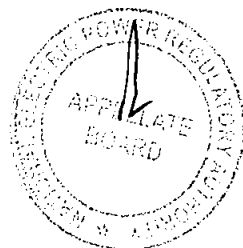




National Electric Power Regulatory Authority

LESCO was carried out during his representation, therefore charging the detection bill of Rs.48,677/- for 2,175 units for June 2015 to August 2015 by LESCO in October 2015 is unjustified and not payable by the respondent. He pointed out that it was the responsibility of LESCO to install the check meter, if his meter was found defective. The respondent asserted that three meters are installed on the premises and the switching system was installed in the premises in order to shift the load of the premises from one meter to another meter, therefore the allegation of LESCO in this regard has no force. The respondent contradicted the version of LESCO regarding the jurisdiction of POI and contended that the said forum is competent to adjudicate the instant matter as the theft of electricity has been alleged by tampering the meter. The respondent defended the impugned decision and prayed for upholding the same.

5. Notice was issued and hearing of the appeal was conducted in the regional office NEPRA Lahore on 03.11.2017, which was attended by both the parties. The representative for LESCO reiterated the same stance as contained in memo of the appeal and contended that the meter of the respondent was found dead stop during LESCO checking dated 24.08.2015 and the connected load was even higher than the sanctioned load. As per LESCO representative, the detection bill of Rs.48,677/- for 2,175 units for June 2015 to August 2015 (3 months) charged by LESCO to the respondent in October 2015 is justified and recoverable from the respondent. LESCO averred that no opportunity of hearing was provided to LESCO and the impugned decision was pronounced by POI without consideration of law and facts on ex-parte





National Electric Power Regulatory Authority

basis, which is liable to be set aside. It was prayed that the matter be sent back to POI for providing the opportunity of hearing to the appellant LESCO and deciding the billing dispute on merits. On the other hand, the representative for the respondent contradicted the version of LESCO regarding the aforesaid detection bill, defended the impugned decision and contended that the same is liable to be maintained.

6. We have heard arguments of both the parties and perused the record placed before us. It is observed that stance of LESCO was not considered as they could not be heard by POI. We are inclined to agree with the contention of LESCO that the case be remanded back to POI for proper adjudication on the basis of record and arguments addressed by both the parties. Therefore the impugned decision is liable to be set aside.
7. In view of the above, the impugned decision is set aside and the matter is remanded back to POI for adjudicating the petition afresh in accordance with the law after providing opportunity of hearing to both the parties.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 29.11.2017

