



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 E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal/012/2018/ 2291-2295

December 14, 2018

1. Muhammad Majid Malik
S/o. Malik Muhammad Hamid,
R/o. Shop No. 3, Near Barrack,
Engine Shed, Mughalpur Road,
Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Peerzada Mamoon Rashid
Advocate Supreme Court,
24-G, Hajvery Complex,
2-Mozang Road, Lahore
4. Assistant Manager (Operation)
LESCO Ltd,
Angoori Bagh 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. Muhammad Majid Malik Against the Decision Dated 30.11.2017 of the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 13.12.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal/012/2018/ 2296
Forwarded for information please.

(Ikram Shakeel)

December 14, 2018

Assistant Director
Appellate Board

1. Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 012/2018

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Majid Malik S/o Malik Muhammad Hamid

R/o Shop No.3, Near Barrack Engine Shed, Mughalpura Road, Lahore.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 30.11.2017 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:

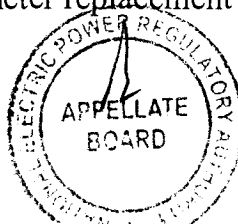
Mr. Pirzada Mamoon Rashid Advocate

For the respondent:

Nemo

DECISION

1. Through this appeal, the challenge has been thrown to a decision dated 30.11.2017 passed by the Provincial Office of Inspection (POI), Lahore Region, Lahore. Facts, in brief, are that the respondent is a commercial consumer of LESCO bearing Ref No. 18-11342-1602501 with a sanctioned load of 2 kW under A-2(a) tariff. The premises of the respondent was inspected by LESCO on 14.02.2013 and allegedly the respondent was found stealing electricity through tampering of the meter. LESCO vide letter dated 15.02.2013 requested police for registration of FIR against the respondent and issued a demand note of Rs.20,000/- as the meter replacement cost. Afterward, a detection bill of



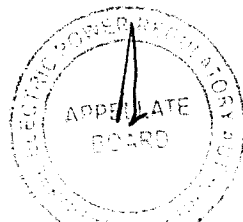


National Electric Power Regulatory Authority

Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 (6 months) was charged to the respondent by LESCO in March 2013, however, an undertaking was furnished by Mr. Majid Malik, the owner of the premises (the respondent is his tenant) to pay the above said detection bill. Subsequently, the respondent received the bill of Rs.150,192/- for May 2013, which was challenged before the Civil Court Lahore and deposited Rs.50,350/- being 1/3rd of the disputed bill as directed by the court. The respondent was directed by the honorable court vide order dated 19.02.2015 to approach POI regarding his grievance. The respondent challenged the above detection bill before POI on 28.09.2015, which was decided vide POI decision dated 30.11.2017 with the following conclusion:

“Summing up the foregoing discussion, it is held that the impugned detection bill amounting to Rs.137,118/- for 8,161 units for the period from 08/2012 to 01/2013 added in the bill for 03/2013 as arrears is void, unjustified and of no legal effect; therefore the petitioner is not liable to pay the same. However, the respondents are allowed to revise monthly bills for the month of 12/2012 to 01/2013 and onward till the replacement of the impugned meter/shifting of billing to an accurate meter, on the basis of the consumption recorded during the corresponding months of previous year. The respondents are also directed to overhaul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills.”

2. Appeal in hand has been filed against the above mentioned decision (the impugned decision) in which LESCO contended that the meter of the respondent was checked on 14.02.2013 and found tampered for theft of electricity, hence the detection bill of Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 charged to the respondent is quite, legal, valid and justified. As per LESCO, POI did not thrash out the

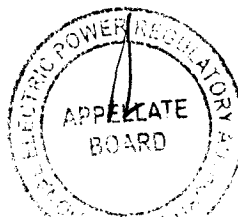




National Electric Power Regulatory Authority

consisting reasons and rendered the impugned decision against the facts and law.

3. Notice of the appeal was issued to the respondent for filing reply/para-wise comments to the appeal, which however were not filed.
4. Hearing of the appeal was conducted in Lahore on 29.10.2018, wherein Mr. Pirzada Mamoon Rashid advocate appeared for the appellant LESCO and no one entered an appearance for the respondent. Learned counsel for LESCO reiterated the same arguments as narrated in the memo of the appeal and contended that the detection bill of Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 charged to the respondent on account of dishonest abstraction of electricity is justified. As per learned counsel for LESCO, the owner of the premises submitted an undertaking to pay the above detection bill, hence FIR could not be registered. Learned counsel for LESCO prayed for setting aside the impugned decision.
5. Arguments heard and record perused. The respondent assailed the detection bill of Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 before POI. According to clause 9.1c(3) of Consumer Service Manual (CSM), the respondent being general supply consumer i.e. A-II is liable to be billed maximum for three billing cycles, whereas in the instant case, the respondent was charged continuously for six months i.e. August 2012 to January 2013 by LESCO without soliciting the approval from Chief Executive Officer LESCO as required in CSM. Therefore the detection bill of Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 is not justified and liable to be canceled as already determined in the impugned decision. The





National Electric Power Regulatory Authority

respondent, however, could be charged the detection bill for three months only i.e. November 2012 to January 2013 in pursuance of clause 9.1c(3) of CSM. The impugned decision for revision of the detection bill for two months on the basis of past billing is incorrect and should be withdrawn to this extent.

6. In view of what has been stated in preceding paragraphs, we have reached the conclusion that the detection bill of Rs.137,118/- for 8,161 units for the period August 2012 to January 2013 is unjustified, hence set aside. LESCO is allowed to recover the detection bill for three months only i.e. November 2012 to January 2013. Billing account of the respondent should be revised accordingly.
7. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 13.12.2018

