



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

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No. NEPRA/AB/Appeal/165/2017/ 2272-2276

December 14, 2018

1. Naveed Ahmed
S/o. Mumtaz Ahmed,
(13-I-H), Canal Berg Housing Scheme,
Lahore
2. 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. Sub Divisional Officer,
LESCO Ltd,
Mustafa Town 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. Naveed Ahmed Against the Decision Dated 31.07.2017 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/165/2017/ 2277
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. 165/2017

Lahore Electric Supply Company Limited

.....Appellant

Versus

Naveed Ahmed S/o Mumtaz Ahmed (13-1-H),
Canal Berg Housing Scheme, Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 31.07.2017 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the appellant:

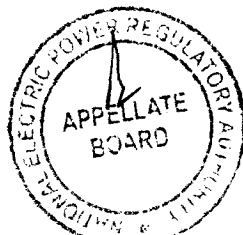
Mr. Saeed Ahmed Bhatti Advocate

For the respondent:

Nemo

DECISION

1. As per fact of the case, the respondent is a domestic consumer of the appellant LESCO bearing Ref No.17-11234-0161809 with a sanctioned load of 2 kW under A-1(a) tariff. The electric connection of the respondent was installed on 13.03.2015 and the monthly bills during the period May 2015 to October 2015 were not paid which accumulated the arrears to the tune of Rs.90,930/- till October 2015. Electric supply of the respondent was disconnected on 01.01.2016.
2. Being dissatisfied with above billing, the respondent filed a complaint before the Provincial Office of Inspection (POI) on 09.02.2016 and challenged the bills of



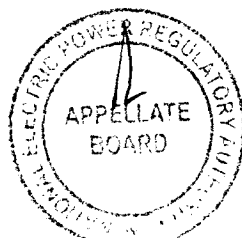


National Electric Power Regulatory Authority

Rs.90,930/- for the period May 2015 to October 2015 being exaggerated. The complaint of the respondent was decided to vide POI decision dated 31.07.2017 with the following conclusion:

“Summing up the foregoing discussion, it is held that the impugned monthly bills amounting to Rs.90,930/- charged during 05/2015 to 10/2015 on account of fictitious readings are void, unjustified and of no legal effect; therefore the petitioner is not liable to pay the same. The respondents are directed to immediately withdraw the same and install an accurate new billing meter at the petitioner’s premises and start monthly billing as per reading recorded at the same.”

3. The instant appeal has been filed against the above mentioned decision in which LESCO submitted that the respondent applied for installation of a new electricity connection and paid the demand note dated 30.12.2014 issued by LESCO on 05.01.2015. LESCO further submitted that the electric connection was installed at the site of the respondent on 13.03.2015 and monthly bills were served to the respondent accordingly. As per LESCO, the respondent failed to make payment of electricity bills for the period May 2015 to October 2015, and there were arrears of Rs.90,930/- till October 2015, hence the supply of the respondent was disconnected on 01.01.2016. According to LESCO, all the above-said bills are legal, valid, justified and payable by the respondent. LESCO opposed the impugned decision and contended that POI failed to appreciate the real facts of the case and erred in holding that the impugned monthly bills for the period May 2015 to October 2015 as void. LESCO further objected the sustainability of the impugned decision and averred that the same was decided by POI after the expiry of statutory period of 90 days under Section 26(6) of Electricity

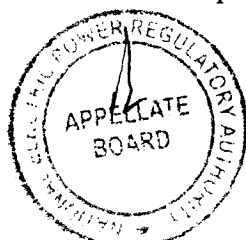




National Electric Power Regulatory Authority

Act 1910.

4. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which however were not filed.
5. Hearing of the appeal was conducted in Lahore on 24.09.2018, wherein Mr. Saeed Ahmed Bhatti advocate appeared for the appellant LESCO and no one represented the respondent. Learned counsel for LESCO reiterated the same arguments as narrated in memo of the appeal and contended that the meter was installed by LESCO on 13.03.2015 and the first bill for 3,178 units was charged to the respondent in May 2015. Learned counsel for LESCO further contended that the monthly bills for the period May 2015 to October 2015 were issued to the respondent but instead of making payments, he removed the meter. As per learned counsel for LESCO, due to non-payment of electric bills, the electric supply of the respondent was disconnected by LESCO vide DCO dated 01.01.2016. According to learned counsel, snap-shop of the meter produced by the respondent before POI is not reliable and the same could not be made basis to determine the fate of billing. Learned counsel for LESCO termed the bills for May 2015 to October 2015 as justified and prayed for setting aside the impugned decision.
6. Arguments heard and the record perused. LESCO has raised preliminary objection regarding announcement of the impugned decision after statutory period of 90 days of filing of the complaint as laid down in section 26(6) of Electricity Act, 1910. It is observed that the impugned decision was rendered by POI under Section 38 of NEPRA Act 1997, wherein no restriction of time period is imposed for announcement of the





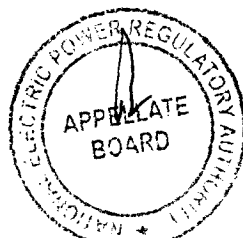
National Electric Power Regulatory Authority

decision after filing of the complaint by a consumer. The period of 90 days provided in the Electricity Act 1910 is actually relevant for an Electric Inspector functioning under the Electricity Act 1910 and is not applicable to a POI appointed under NEPRA Act 1997. Further it is to elaborate that appeal made against the impugned decision of an Electric Inspector is competent before the provincial government whereas the forum for filing an appeal against the impugned decision of POI is NEPRA. In the instant case LESCO preferred the appeal before NEPRA which transpires that LESCO admitted that the impugned decision was announced by POI. In view of such explanation the preliminary objection of LESCO regarding jurisdiction of the POI is invalid and therefore dismissed.

The respondent assailed the monthly bills for the period May 2015 to October 2015 before POI. It is observed that LESCO could not produce any evidence to the effect that the meter was installed on the premises of the respondent and electricity bills were issued as per actual meter reading. Therefore we are inclined to agree with the findings of POI that electricity bills were not charged during the disputed period May 2015 to October 2015 as per meter reading. Since the respondent has objected the non-installation of the meter and did not deny the consumption of electricity during the disputed period, therefore it would be fair and appropriate to charge the electricity bills during the disputed months to be calculated as per Annex-VIII of Consumer Service Manual (CSM) as given below:

Period: May 2015 to October 2015 (6 months)

- Total units assessed = Sanctioned load (kW) x load factor x No. of Hrs. x months
as per CSM = $2 \times 0.2 \times 730 \times 6 = 1,752$ units





National Electric Power Regulatory Authority

- Total units already charged = $3,178 + 0 + 510 + 954 + 57 + 179$ = **4,878 units**

Above analysis indicates that the electricity bills of 4,878 units already charged during the disputed period May 2015 to October 2015 are much higher than 1,752 units assessed as per CSM. Hence, we are in agreement with the findings of POI that the electricity bills for the period May 2015 to October 2015 were not charged as per actual meter readings and the same are liable to be withdrawn. However, the respondent is liable to pay 1,752 units against the dispute period.

7. In view of what has been stated in preceding paragraphs, we have reached to the conclusion that the electricity bills for the period May 2015 to October 2015 charged by LESCO are unjustified, hence declared null and void as already decided by POI. LESCO is directed to charge the electricity bill for 1,752 units for the disputed period May 2015 to October 2015 from the respondent. Billing of the respondent shall be revised accordingly.
8. The appeal is disposed of in above terms.

Muhammad Qamar-uz-Zaman
Member

Dated: 13.12.2018

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

