



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

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No. NEPRA/AB/Appeal-036/POI-2013/ *034-039*

January 11, 2018

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| 1. Muhammad Zubair Saeed,
PLD House, 35-Nabha Road,
Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. A. D. Bhatti,
Advocate High Court,
Office No. 4, Rehmat Towers,
13-Fane Road, Lahore | 4. Saeed Ahmed Bhatti,
Advocate High Court,
Second Floor, Akram Mansion,
Neela Gumbad, Lahore |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Anarkali 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 Muhammad Zubair Saeed Vs. LESCO Against the Decision Dated 05.07.2013 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 10.01.2018, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-036/POI-2013/ *040*

Forwarded for information please.

(Ikram Shakeel)

January 11, 2018


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-036/POI-2013

Muhammad Zubair Saeed, PLD House,
35 Nabha Road, Lahore

.....Appellant

Versus

Lahore Electric Supply Company Limited

.....Respondent

For the Appellant:

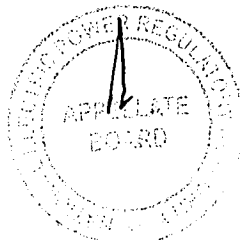
Mr. A.D. Bhatti Advocate
Mr. Khurram Abbas

For the Respondent:

Mr. Pervez Iqbal SDO
Mian Muhammad MESS

DECISION

1. As per facts of the case, an appeal filed by the appellant against the decision dated 05.07.2013 of the Provincial Office of Inspection Lahore Region, Lahore was dismissed by NEPRA on 18.06.2014 on the grounds of limitation. The decision was challenged by the appellant before the Lahore High Court Lahore through Writ Petition No.23363 of 2016, whereby the decision dated 18.06.2014 of NEPRA was set aside by the honorable High Court vide decision dated 04.10.2017 with the directions to decide the matter within a period of two months.





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2. In pursuance of the directions of honorable High Court, the matter was again taken up and hearing of the appeal was conducted in Lahore on 22.12.2017 wherein Mr. A.D. Bhatti advocate along with Mr. Khurram Abbas entered appearance for the appellant and Mr. Pervez Iqbal SDO appeared for Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) the respondent. Learned counsel for the appellant contended that LESCO wrongly charged the detection bill of Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) to the appellant in the billing month of August 2011, besides this multiplication factor (MF) was also raised from 20 to 30 without any justification. Learned counsel for the appellant further contended that neither any prior notice was served nor the appellant was associated during any LESCO checking, therefore there is no reason to charge the bills to the appellant in assessed mode. On the contrary representative for the respondent LESCO informed that the metering equipment of the appellant was checked by metering and testing (M&T) LESCO on 05.03.2010 and 15.09.2010 and on both the occasions, the TOU billing meter was found 33% and 66% slow respectively. As per representative for the respondent LESCO, the detection bill of Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) and the further bills with enhanced MF=30 charged to the appellant were justified and the appellant is liable to pay the same. As per learned counsel for the appellant, the impugned decision rendered by POI is not correct and the same should be remanded back to POI for deciding afresh.





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3. Arguments heard and record perused. It is observed as under:

- i. The TOU billing meter of the appellant was found 33% and 66% slow during M&T checking dated 05.03.2010 and 15.09.2010 respectively, therefore the detection bill of Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) was charged by LESCO to the appellant, which was agitated by him before POI on 04.10.2011. Billing of the appellant was shifted by LESCO on the backup meter w.e.f. October 2011 and onwards.
- ii. Subsequently metering equipment of the appellant was jointly checked by POI on 05.04.2013 and the TOU billing meter of the appellant was found dead stop, whereas the backup meter was found working within BSS limits.
- iii. Charging the detection bill of Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) to the appellant by LESCO is inconsistent with the provisions of Consumer Service Manual (CSM). According to clause 4.4(e) of CSM, the appellant is liable to be billed maximum for two billing cycles on account of slowness of the disputed TOU billing meter. Therefore the detection bill of Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) charged to the appellant by LESCO is unjustified and liable to be withdrawn.
- iv. Pursuant to clause 4.4(e) of CSM, the appellant is liable to be charged the detection bill for August 2010 and September 2010 (two months only) on account of 66% slowness of the disputed TOU billing meter as observed during





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M&T LESCO checking dated 15.09.2010.

4. Forgoing in view, it is concluded that the detection bill amounting to Rs.409,627/- for 34,470 units for the period April 2010 to September 2010 (6 months) charged to the appellant is unjustified, therefore set aside. The appellant should be charged the detection bill for two billing cycles i.e. August 2010 to September 2010 @ 66% slowness of the meter.
5. The appeal is disposed of and the impugned decision is modified in above terms.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Dated: 10.01.2018

