



Before the Appellate Board  
National Electric Power Regulatory Authority  
(NEPRA)

Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal/046/2015/ *603-607*

March 21, 2019

1. Muhammad Shahid Hussain  
S/o. Muhammad Ashraf,  
Through Waqar Azim,  
S/o. Muhammad Khaliq,  
132-Khushnuma Flat, GOR-IV,  
Model Town Extension, Lahor
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Malik Zahid Hussain  
Advocate High Court,  
Corporate Law Advisors,  
10-A, Turner Road, Lahore
4. Assistant Manager (Operation)  
LESCO Ltd,  
Faisal Town Sub Division,  
Expo Road, H-Block, Johar Town,  
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 Shahid Hussain Against the Decision Dated 14.04.2015 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 18.03.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal/046/2015/ *608*

Forwarded for information please.

(Ikram Shakeel)

March 21, 2019

*Ikram Shakeel*  
Assistant Director  
Appellate Board

✓ Registrar



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. 046/2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mr. Muhammad Shahid Hussain S/o Muhammad Ashraf through,  
Waqar Azim, S/o Khaliq, 132-Khushnuma flat, GOR-IV,  
N Block, Model Town Extension, Lahore.

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 14.04.2015 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE**

For the appellant:

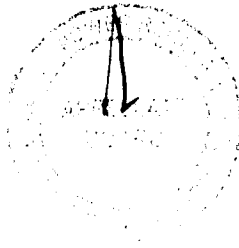
Mr. Malik Zahid Hussain Advocate  
Mr. Imran Hussain Court coordinator

For the respondent:

Nemo

### **DECISION**

1. As per facts of the case, the respondent is a domestic consumer of LESCO bearing Ref No. 16-11511-1296526 with a sanctioned load of 5kW under tariff A-1b. The meter of the respondent was checked by M&T LESCO on 16.09.2013 and error was found in the LCD display. New meter was installed by LESCO on 19.11.2013. A detection bill of Rs.252,759/- for 12026 units were added in the electricity bill of January 2015 along with current bill of Rs.1988/- on the basis of consumption data reportedly downloaded by LESCO. The respondent being dissatisfied filed an application dated 04.02.2015 before

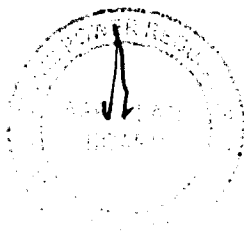




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POI and challenged the aforementioned bill. POI decided the matter on 14.04.2015 whereby the bill of Rs.252,759/- for 12026 units added as arrears in the bill for the month of 01/2015 was declared void and unjustified and LESCO was directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills. Being dissatisfied with the POI decision dated 14.04.2015 (hereinafter referred to as "impugned decision") LESCO had filed an appeal which was dismissed by this forum vide its decision dated 08.09.2015 being time barred. The said decision was challenged before the honorable Lahore High Court Lahore through Writ Petition No.33012/15 and the decision dated 08.09.2015 of the Appellate Board was set aside by the honorable High Court vide decision dated 21.12.2018 with the directions to NEPRA to decide the matter afresh after affording an opportunity of hearing to both the parties.

2. Pursuant to the directions of honorable High Court, re-hearing of the appeal was conducted in NEPRA provincial office Lahore on 12.01.2018. There was no representative for the respondent while Mr. Malik Zahid Hussain learned counsel appeared for the appellant LESCO. Learned counsel for LESCO repeated the same stance as contained in the memo of the appeal and averred that metering equipment of the respondent was checked by M&T LESCO on 16.09.2013 and error was found in the LCD display. According to LESCO the meter of the respondent was replaced on 19.11.2013 and a bill of Rs. 252,759/- for 12,026 units was added in the bill of January 2015 along with the current bill of Rs. 1,988/- which is based on actual consumption of the respondent as per downloaded reading and no excess units were charged to the consumer. LESCO pleaded that the above bill is correct and liable to be paid by the





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respondent and prayed for acceptance of the appeal.

3. Arguments heard and record placed was examined. It has been observed as under:

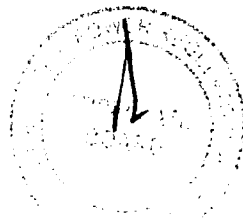
*i)* M&T LESCO checking carried out on 16.09.2012 and the data downloaded was unilateral, hence the detection bill of Rs. 252,759/- for 12,026 units was added in the bill of January 2015 along with the current bill of Rs. 1988/- on the basis of above checking is not justified and liable to be declared null and void as decided by POI.

*ii)* Pursuant to Clause 4.4 of Consumer Service Manual (CSM), detection bill due to a defective meter could be charged maximum for two billing cycles. Since the defect in the meter was noticed in September 2013, the respondent is liable to be charged detection bill for July 2013 and August 2013, if justified. The billing of the respondent prior to July 2017 is controversial, moreover the consumption data of the corresponding months of the previous year i.e. July 2012 and August 2012 is also not available. The defective meter was replaced by LESCO in November 2013 and future consumption is available which is undisputed. It will be judicious and appropriate to charge the detection bill for the month July 2013 and August 2013 on the basis of undisputed consumption recorded by the new meter during the months July 2014 and August 2014.

Units charged for the undisputed months of July 2014 & August 2014 = 1838 units

Units already charged for disputed months of July 2013 & August 2013 = 665 units

Detection bill chargeable =  $1838 - 665 = 1173$  units





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4. From what has been discussed above, it is concluded that:
- The detection bill of Rs. 252,759/- for 12,026 units as added in the bill of January 2015 is declared null void and not payable by the respondent.
  - LESCO may charge 1173 units as detection bill for the month July 2013 and August 2013.
  - The billing account of the respondent be revised as above after making the adjustment of amount paid/units charged already during the disputed period.
5. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 18.03.2019

