



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

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No. NEPRA/AB/Appeal/093/2018/ 981 988

May 10, 2019

1. Saeed Ahmed
S/o. Ghulam Yaseen,
Ahmed Rice Mills, Warburton,
District Nankana Sahib
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mehar Shahid Mehmood,
Advocate High Court,
Office No. 25, 3rd Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. Anwar Ali Sangha
Advocate High Court,
Office No. 7, Arooj Centre,
Farid Kot Road, Lahore
5. Sub Divisional Officer (Operation)
LESCO Ltd,
Warburton Sub Division,
Warburson, Distt. Nankana Sahib
6. Electric Inspector
Gujranwala Region,
Munir Chowk, Near Kachehri Road,
Gujranwala.

Subject: **Appeal Titled LESCO Vs. Saeed Ahmed Against the Decision Dated 29.12.2017 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala**

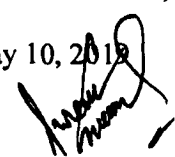
Please find enclosed herewith the decision of the Appellate Board dated 08.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

No. NEPRA/AB/Appeal/093/2018/ 987
Forwarded for information please.

(Ikram Shakeel)

May 10, 2019


Assistant Director
Appellate Board

Registrar



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. 093/2018

Lahore Electric Supply Company Limited

.....Appellant

Versus

Saeed Ahmed S/o Ghulam Yaseen Ahmed Rice Mills,
Warburton, District Nankana Sahib

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 29.12.2017 PASSED BY PROVINCIAL
OFFICE OF INSPECTION GUJRANWALA REGION GUJRANWALA**

For the appellant:

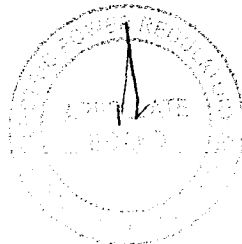
Mehar Shahid Mehmood Advocate
Engr. M. Farooq SDO

For the respondent:

Nemo

DECISION

1. Brief facts giving rise to the instant appeal are that the respondent is an industrial consumer of LESCO bearing Ref No.27-11613-2600590 with a sanctioned load of 50 kW under the B-2 tariff. Metering equipment of the respondent was checked by Metering and Testing (M&T) LESCO on 03.03.2017 and reportedly the billing meter was found 33% slow due to one dead phase. Therefore a detection bill of Rs.195,109/- for 9,476 units for the period January 2017 to March 2017 (3 months) was issued to the respondent by LESCO in April 2017. Multiplication factor (MF) of the respondent was raised from 20 to 29.85 due to 33% slowness of the billing meter w.e.f April 2017 and





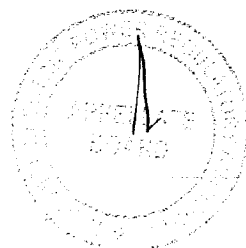
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onwards.

2. The respondent being dissatisfied with the actions of LESCO approached the Provincial Office of Inspection (POI) on 02.05.2017. During the pendency of the case, the inspection of the metering equipment in the presence of both the parties was done by POI on 12.10.2017, wherein the billing meter was found working accurately. The complaint of the respondent was decided by POI vide its decision dated 29.12.2017 with the following conclusion:

“In the light of above facts, it is held that the disputed meter is correct and the detection bill charged for 9476 units from 01/2017 to 03/2017 and slowness charged with enhanced MF w.e.f 04/2017 onward in the monthly bills are void, unjustified and of no legal consequence; therefore the petitioner is not liable to pay the same. The respondents are directed to withdraw the impugned detection bill and slowness and excess amount recovered be refunded in future bills accordingly.”

3. The subject appeal has been filed against the above referred decision inter alia on the grounds that the impugned decision was pronounced by the Electric Inspector after the mandatory period of 90 days; that it is against the facts and law; that POI failed to thrash out the consisting reasons and passed the illegal decision and that the detection bill of 9,476 units for the period January 2017 to March 2017 was charged @ 33% slowness of the meter observed by M&T LESCO on 03.03.2017. Notice for filing reply/para-wise comments to the appeal was served to the respondent but not replied.



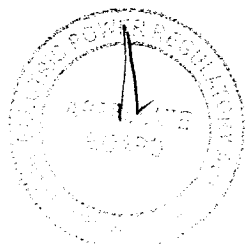


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4. Hearing of the appeal was held in the NEPRA regional office Lahore on 08.04.2019, wherein learned counsel along with SDO LESCO appeared for the appellant LESCO and no one appeared for the respondent. Learned counsel for LESCO contended that 33% slowness of the billing meter was observed by M&T LESCO on 03.03.2017, which is confirmed from the consumption data of the respondent. As per LESCO counsel's version, the detection bill amounting to Rs.195,109/- for 9,476 units for the period January 2017 to March 2017 and enhancement of MF from 20 to 29.85 w.e.f April 2017 and onwards due to 33% slowness of the meter are justified and the respondent is responsible for payment of the same. Learned counsel for LESCO opposed the impugned decision and pleaded for setting aside the same.

5. Having heard the arguments and perusal of record, it is observed as under:-

- i. As regards the preliminary objection of LESCO regarding failure of POI in deciding the matter within 90 days as envisaged in Section 26(6) of Electricity Act, 1910, it may be explained that the period of 90 days is provided in the Electricity Act, 1910 which is not relevant for the POI established under Section 38 of the NEPRA Act, 1997. NEPRA is the appellate authority against the decisions of POI and not that of Electric Inspectors. Mere filing of the appeal by LESCO before NEPRA is tantamount to admission that the matter was adjudicated by POI. Honorable Lahore High Court in the recent judgment dated 10.12.2018 in the W.P.No.8019/2017 held that the impugned order is deemed to be passed by POI under Section 38 of NEPRA Act, 1997 and not by an Electric Inspector under Electricity Act, 1910 therefore, the





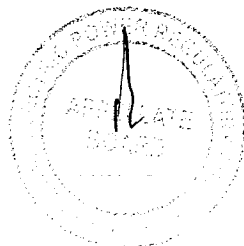
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outer time limit of 90 days is inapplicable in the instant case. The objection of LESCO being devoid of force is therefore rejected.

- ii. 33% slowness was observed in the billing meter by M&T LESCO on 03.03.2017, hence a detection bill of Rs.195,109/- for 9,476 units for the period January 2017 to March 2017 was issued and further bills with enhanced MF=29.85 were charged from April 2017 and onwards by LESCO due to @ 33% slowness of the meter. The respondent agitated the above billing before POI on 02.05.2017. Meter of the respondent was checked by POI in the presence of both the parties on 12.10.2017, in which the billing meter was found working within permissible limits. However, LESCO claims that the consumption data of the respondent proves 33% slowness of the billing meter. To verify the stance of LESCO, comparison of consumption is done below:

Undisputed period		Disputed period	
Month	Units	Month	Units
Jan-16	2,040	Jan-17	9,360
Feb-16	600	Feb-17	2,540
Mar-16	4,560	Mar-17	7,340
Total	7,200	Total	19,240

Above comparison of consumption data even negates the version of LESCO regarding 33% slowness of the billing meter as the consumption recorded during the disputed period is much higher than the consumption of corresponding period of the preceding year 2016. We are inclined to agree with the determination of POI that the





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meter is accurate and the detection bill of Rs.195,109/- for 9,476 units for the period January 2017 to March 2017 and further bills with enhanced MF=29.85 from April 2017 and onwards are illegal and unjustified. For the foregoing reasons, we do not find any illegality or irregularity in the impugned decision which is upheld and consequently the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated:08.05.2019

