



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

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No. NEPRA/AB/Appeal/100/2018/ & 113/2018 /988-993

May 10, 2019

1. Ch. Zahoor ud Din (Late)
S/o. Ch. Ahmad Ali,
Through Ch. Sajjad Jahangir,
R/o. 250, H-1, Johar Town,
Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Muhammad Arif Malhi,
Advocate High Court,
01-District Courts,
Sheikhupura
4. Sub Divisional Officer (Operation)
LESCO Ltd,
Burj Attari Sub Division,
Bujr Attari, Tehsil Ferozwala,
Distt. Sheikhupura
5. Sub Divisional Officer (Operation)
LESCO Ltd,
Warburton Sub Division,
Warburson, Distt. Nankana Sahib
6. Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal Titled Ch. Zahoor ud Din Vs. LESCO & LESCO Vs. Ch. Zahoor ud Din Against the Decision Dated 13.03.2018 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 08.05.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal/100/2018/ & 113/2018 /994

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. 100/2018

Ch. Zahoor-ud-Din (Late) S/o Ch. Ahmed Ali,
Through Ch. Sajid Jahangir s/o Ch. Muhammad Jahangir
R/o 250, H-1, Johar Town, LahoreAppellant

Versus

Lahore Electric Supply Company LimitedRespondent

Appeal No.113/POI-2018

Lahore Electric Supply Company LimitedAppellant

Versus

Ch. Zahoor-ud-Din (Late) S/o Ch. Ahmed Ali,
Through Ch. Sajid Jahangir s/o Ch. Muhammad Jahangir
R/o 250, H-1, Johar Town, LahoreRespondent

APPEALS UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 13.03.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For LESCO:

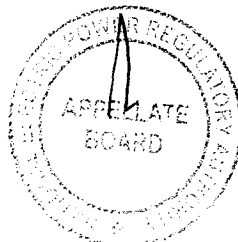
Mr. Ghulam Mursaleen SDO

For Consumer:

Ch. Sajjad Jahangir

DECISION

1. Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as



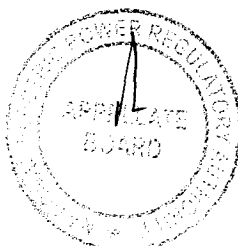


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NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and Ch. Zahoor-ud-Din is one of its agricultural consumers (hereinafter referred to as “the Consumer”) having sanctioned load of 11 kW and billed under the D-1(b) tariff. As per facts of the case, the Consumer initially filed a complaint before the Wafaqi Mohtasib on 29.08.2016 and complained that 29,580 units were charged in excess by LESCO till August 2016. Wafaqi Mohtasib vide order dated 06.10.2016 disposed of the matter but the Consumer alleged that the said order of honorable Wafaqi Mohtasib was partially complied by LESCO. Subsequently, the Consumer filed an application before the Provincial Office of Inspection (POI) on 13.06.2017 and challenged the billing for the period May 2016 to April 2017 on the plea that 53,613 units were charged in excess. Meter of the Consumer was jointly checked by POI on 19.09.2017 and found defective with display washed, however, its accuracy could not be checked due to the disturbed software. POI decided the matter on 13.03.2018 with the following conclusion:-

“Summing up the foregoing discussion, it is held that the impugned monthly bills charged and recovered for the period from 05/2016 to 15.10.2017 based on excessive units are void, unjustified and of no legal effect; therefore the petitioner is not liable to pay the same. However, the respondents are allowed to charge revised monthly bills for the above said months of 05/2016 to 15.10.2017 on the basis of the average consumption of 1360 units per month charged during the undisputed year of 2015, after excluding the already charged units during the said period. The respondents are also directed to overhaul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills. The petition is disposed of in the above terms.”

2. Being dissatisfied with the above referred decision, both the parties have filed the





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subject appeals. As the subject matter of the appeals is same, therefore both have been clubbed and being disposed of through a single/consolidated decision.

3. In its appeal, LESCO opposed the impugned decision on the grounds inter-alia that POI did not appreciate that the Consumer was misusing electricity by illegally extending the electric supply of agricultural connection to the houses/servant quarters; that the Consumer tampered the electricity meter (the LCD of the meter broken) for illegal use of electricity; that the dispute of billing has already been decided by Wafaqi Mohtasib and the Consumer has availed the remedy on the same question of law and facts and that the bills charged in accordance with the previous consumption are justified. On the contrary, the Consumer rebutted the stance of LESCO and contended that LESCO started exaggerated billing since May 2016 and onwards against which he approached LESCO time and again but the bills were not corrected as per actual meter reading. According to Consumer, POI during joint checking dated 19.09.2017 verified the same reading of the meter i.e.53,331 as given in the complaint but based its determination on the average consumption of the year 2015, which was also disputed before POI. The Consumer opposed the impugned decision on the plea that the determination of POI for adjustment of excessive units in the future bills is unfair. The Consumer further contended that the impugned decision needs modification on the basis of POI inspection report dated 19.09.2017 or average consumption of the year 2013 or 2014.
4. Notice of the appeals was sent to both parties for reply/para-wise comments, which were filed only by the Consumer. The Consumer in his reply rebutted the grounds of the

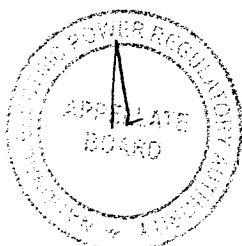




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opposite party and prayed for the decision on the basis of downloaded data of the meter as provided by LESCO.

5. Hearing of both the appeals was conducted in NEPRA regional office Lahore on 08.04.2019, which was attended by both the parties. The representative for the Consumer reiterated the same stance as taken in his appeal and reply against the Appeal No.113/2018 of LESCO and prayed for revision of the billing as per downloaded data. Conversely, SDO LESCO opposed the contention of the representative of the Consumer and submitted that the impugned decision for revision of the billing @ 1,360 units/month for the period May 2016 to 15.10.2017 as recorded in the year 2015 is incorrect as the Consumer had illegally extended the supply of agricultural connection for domestic purpose.
6. Having heard the arguments and perusal of record, it is observed as under:-
 - i. The Consumer challenged the billing for the period May 2016 to April 2017 before POI on the plea that 53,613 units were charged in excess. The accuracy of the disputed meter could not be checked by POI due to disturbed software and vanished display. In order to arrive at a just conclusion, we have made a comparison of the consumption of the disputed period i.e. May 2016 to 15.10.2017 (17.5 months) with undisputed consumption before the dispute i.e. May 2015 to April 2016 which is given below:





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Period	Units/month
Undisputed period May 2015 to April 2016	2,351
Disputed Period May 2016 to September 2017	3,572

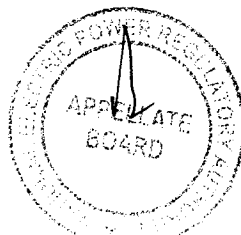
Above comparison of consumption indicates that the Consumer was excessively charged during the disputed period of May 2016 to 15.10.2017. This fact was also confirmed from the comparison of the bill for April 2017 and the downloaded data of the disputed meter given as under:

Reading	Bill for April 2017	Downloaded data for April 2017 as per LESCO report dated 21.02.2018	Meter No.
Off peak	94839	44,648	066631
Peak	20788	8,684	
Total	115,627	53,331	

Hence the entire billing for the disputed period May 2016 to 15.10.2017 is unjustified as observed by POI.

- ii. Similarly, the determination of POI for revision of the billing for the disputed period May 2016 to 15.10.2017 on the basis of consumption of the year 2015 is neither supported with the CSM nor based on merits, hence liable to be withdrawn to this extent. As the meter under dispute remained defective during the disputed period May 2016 to 15.10.2017, so it would be appropriate to revise the billing for the said period as per clause 4.4 of CSM, which is reproduced below for the sake of convenience.

"Clause 4.4(e) of Consumer Service Manual, 2010





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The consumer may be charged on DEF-EST code in case of defective meter and the basis of charging the bill will be 100% of the consumption of the corresponding month of the previous year or average consumption of last eleven months, whichever is higher."

7. From the discussion in preceding paragraphs, it is concluded as under:

- i. Electricity bills charged for the period May 2016 to 15.10.2017 by LESCO are unjustified, hence declared null & void.
- ii. The Consumer may be charged the bills for the disputed period May 2016 to 15.10.2017 on DEF-EST code in pursuance of clause 4.4(e) of CSM.
- iii. Billing account of the Consumer be overhauled in accordance with paras i & ii above.

8. Both the appeals are disposed of in the above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 08.05.2019

