



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepa.org.pk E-mail: office@nepa.org.pk

No. NEPRA/AB/Appeal/101/2018/ 995-999

May 10, 2019

1. Muhammad Sohail
S/o. Muhammad Saleem,
R/o. T. No. 02, Malipura,
Band Par, Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Khalid Jamil
Advocate Supreme Court,
Basement Ali Continental Hotel,
1-Mozang Road, Lahore
4. Sub Divisional Officer (Operation)
LESCO Ltd,
Amin Park 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. Muhammad Sohail Against the Decision Dated 26.03.2018 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/101/2018/ 1000

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.101/2018

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Sohail S/o Muhammad Saleem,
R/o T.No.02, Malipura, Bandpar, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 26.03.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:

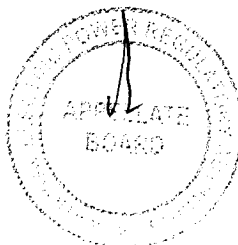
Mr. Khalid Jamil Advocate
Mr. Ehsanullah Farooqi SDO

For the respondent:

Nemo

DECISION

1. Brief facts giving rise to the filing of instant appeal are that the respondent is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LES CO) bearing Ref No.24-11133-9906200 having a sanctioned load of 155 kW under the B-2(a) tariff. LT TOU billing meter of the respondent was checked by metering and testing (M&T) LESCO on 04.01.2017 and reportedly found working within specified limits but its display was vanished. Subsequently, LESCO charged a detection bill of Rs.1,876,034/- for 120,620 units to the respondent on the plea that the difference was noticed between the needle reading of the meter and reading noted on



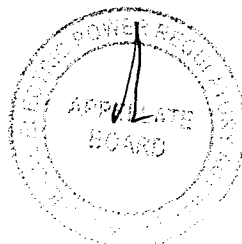


National Electric Power Regulatory Authority

the electricity bill for December 2016. The respondent challenged the said detection bill before the Provincial Office of Inspection (POI) vide an application on 24.01.2017. The meter under dispute was checked by POI in the presence of both the parties on 31.01.2018 and found working accurately with both the display and needle readings. Both the parties signed the inspection report without raising any objection. The application of the respondent was disposed of by POI vide its decision dated 26.03.2018 with the following conclusion:

“Summing up the foregoing discussion, it is held the impugned bill for the month of 12/2016 amounting to Rs.1876034/- for 120620 units on the basis of needle reading is void, unjustified and of no legal effect; therefore the petitioner is not liable to pay the same. However, the respondents are allowed to charge the monthly bill for the said month of 12/2016 and onward monthly bills on the basis of actual meter readings recorded at the display reading after excluding the already charged units. The respondents are directed to overhaul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills.”

2. LESCO has filed the instant appeal against the above-mentioned decision (hereinafter referred to as the impugned decision) before NEPRA. In its appeal, LESCO contended that the display of the meter was found washed out and the difference between the needle reading of the meter and readings charged in the bills for November 2016 and December 2016 was noticed, hence the detection bill amounting to Rs.1,876,034/- for 120,620 units was issued to the respondent. LESCO opposed the impugned decision on the grounds that POI did not consider the fact that the display of the meter was washed intentionally by the respondent; that the impugned decision is a result of misreading and non-reading of the law and facts of the case; that POI

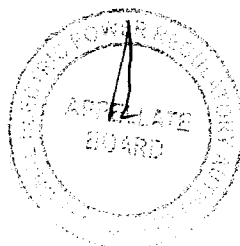




National Electric Power Regulatory Authority

wrongly exercised the jurisdiction as per law; and that the impugned decision is liable to be set aside in the larger interest of justice.

3. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which however were not filed.
4. After issuing notices to both the parties, hearing of the appeal was conducted at Lahore on 19.04.2019, which was attended only by LESCO. Learned counsel for LESCO reiterated the same arguments as prescribed in the memo of the appeal and contended that the detection bill of Rs.1,876,034/- for 120,620 units was charged to the respondent on account of the difference of readings noted on the needle of the meter and on the bills for November 2016 and December 2016. Learned counsel for LESCO opposed the determination of POI and submitted that the impugned decision relied upon the joint checking of the disputed meter only instead of perusal of the downloaded data of the meter. In response to a question raised by this forum whether the difference between the needle and display readings of the meter is payable, both the learned counsel and SDO LESCO could not justify the same.
5. Arguments heard and the record examined. Following are our observations:
 - i. LESCO raised the preliminary objection regarding the jurisdiction of POI, it is observed that the matter was adjudicated by the officer in the capacity as POI and is empowered to decide the disputes of metering, billing, and collection of the tariff u/s 38 of NEPRA Act, 1997. Hence the objection of LESCO in this regard is invalid and rejected.





National Electric Power Regulatory Authority

ii. The detection bill of Rs.1,876,034/- for 120,620 units was charged to the respondent by LESCO on account of the difference of readings noted on the needle of the meter and on the bills for November 2016 and December 2016, which was agitated by him before POI. LESCO justified the above detection bill on the plea that the display of the meter was vanished intentionally by the respondent but the same meter when checked by POI on 31.01.2018 was found functioning accurately and the display of the meter was found visible/readable. It is apprised that LESCO neither raised any objection on the joint checking carried out by POI on 31.01.2018 nor produced any document i.e. detection proforma, consumption data, downloaded data of the meter, etc. in support of its version. These facts confirm that the meter of the respondent was working accurately within BSS limits and its display was visible, hence POI has rightly declared the detection bill of Rs.1,876,034/- for 120,620 units charged by LESCO as null and void and directed to revise the billing of the respondent in accordance with display reading of the respondent's meter.

6. In view of the above, the appeal is dismissed

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Dated: 08.05.2019

