



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

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No. NEPRA/AB/Appeal/060/2019/1097

November 10, 2020

1. Raja Asif Ullah Khan
S/o. Raja Faiz Ullah Khan,
HouseNo. 119-B, Ali View Garden,
Badian Road, Lahore Cantt
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Zia-ud-Din Kasuri
Advocate Supreme Court,
Hamza Chambers, 4-Mozang Road,
Lahore
4. Assistant Manager (Opr),
LESCO Ltd,
Airport Road Sub Division,
Lahore
5. Electric Inspector/POI
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Raja Asif Ullah Khan Against the Decision Dated 25.09.2018 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 05.11.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Assistant Director
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board, National Electric Power Regulatory Authority Islamabad

In the matter of

Appeal No. 060/2019

Lahore Electric Supply Company LimitedAppellant

Versus

Raja Asif Ullah Khan s/o Raja Faiz Ullah Khan, House No.119-B,
Ali view Garden, Badian Road, Lahore Cantt, LahoreRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 25.09.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the appellant:

Mr. Ziauddin Kasuri Advocate

For the respondent:

Nemo

DECISION

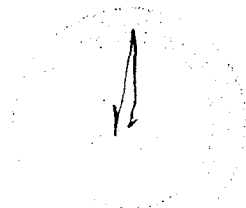
1. As per facts of the case, the respondent is a domestic consumer of Lahore Electric Supply Company Limited (LESCO) bearing Ref No.11-11526-1030281 with a sanctioned load of 1 kW under the A-1(a) tariff. Display of the billing meter of the respondent became washed in December 2016, hence it was replaced with a new meter by LESCO in May 2017 and sent to the metering and testing (M&T) LESCO laboratory, wherein 13,306 units were found uncharged as per data retrieval report dated 03.08.2017. Subsequently, a detection bill amounting to Rs.281,966/- for 13,306 units for the period December 2016 to May 2017 (6 months) was debited to the respondent by LESCO and added in the bill for November 2017.





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2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) and challenged the above detection bill. POI disposed of the matter vide its decision dated 25.09.2018, wherein the detection bill of Rs.281,966 /- for 13,306 units for the period December 2016 to May 2017 was declared as null and void.
3. Being dissatisfied with the decision dated 25.09.2018 of POI (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA, wherein it is contended that the display of the meter of the respondent became vanished and it was removed and sent to M&T LESCO laboratory, wherein 13,306 units were found pending as per data retrieval report, hence the detection bill of Rs.281,966 /- for 13,306 units was charged to the respondent in November 2017. LESCO termed the above detection bill as legal, valid and justified and payable by the respondent. LESCO opposed the impugned decisions inter alia, on the grounds that the POI did not apply his judicious mind and passed the impugned decision based on presumption and assumptions; that the findings of POI regarding the replacement of the defective meter are contrary to the law as the defective meter is to be replaced with new billing meter for correct billing; that the defective meter is still in LESCO record and can be presented at any forum for verification of balance units and that the impugned decision is liable to be set aside.
4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments, which were not filed.
5. Hearing of the appeal was held at NEPRA Regional Office Lahore on 03.10.2020





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in which learned counsel represented the appellant but no one made appearance for the respondent. Learned counsel for LESCO reiterated the same arguments as given in memo of the appeal and contended that the defective meter was replaced due to display washed and checked in M& laboratory, wherein 13,306 units were found pending. LESCO further contended that the detection bill of Rs.281,966/- for 13,306 units was charged to the respondent for the period before the replacement of the meter i.e. December 2016 to May 2017. As per learned counsel for LESCO, the above detection bill is justified and payable by the respondent.

6. Arguments were heard and the record was perused. It is observed as under:

i. The respondent assailed before POI the detection bill of Rs.281,966/- for 13,306 units for the period December 2016 to May 2017 charged by LESCO on the basis of difference of units already charged till May 2017 (15,140 units) and the final reading of the defective meter (28,446). However, LESCO neither associated the respondent during M&T checking nor produced the disputed billing meter before POI to ascertain its accuracy. To check the justification of the above detection bill, the following analysis of consumption is done:

Period	Normal units/month	Detection units/month
Disputed period: December 2016 to May 2017	289	2,218
Period after dispute: June 2017 to November 2017	451	-

From the above table, it is transpired that the detection units charged @ 2,218 units/month during the disputed period December 2016 to May 2017 are much higher than the normal average consumption of 451 units/month for the period



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after the replacement of the defective meter i.e. June 2017 to November 2017. Even otherwise the detection bill charged to the respondent is not compatible with the sanctioned load i.e. 1 kW of the respondent, Hence, the detection bill of Rs.281,966/- for 13,306 units for the period December 2016 to May 2017 (6 months) charged to the respondent is unjustified and liable to be cancelled as already determined in the impugned decision.

- ii. Perusal of consumption data reveals that the disputed meter became defective due to vanished display in December 2016 and remained installed on the premises of the respondent till May 2017. It is observed that the normal average consumption during the disputed period December 2016 to May 2017 charged @ 289 units/month by LESCO is considerably lower than the normal average consumption recorded @ 451 units/month during the period after the dispute. This indicates that the actual consumption was not charged to the respondent due to washed display during the disputed period December 2016 to May 2017. Hence it would be judicious to debit the bills @ 451 units/month for the disputed period December 2016 to May 2017 as recorded during the period after the dispute i.e. June 2017 to November 2017. Calculation in this regard is done below:

Period: December 2016 to May 2017 (6 months)


Total units to be charged = Units/month x No. of months= 451 x 6 =	2,706 units
Total units already charged during the same period	= (-) 1,732 units
Net units chargeable	= 974 units

The respondent is liable to be charged net 974 units as a detection bill as per above calculation. The impugned decision is liable to be modified to this extent.




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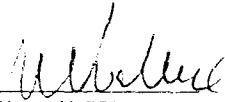
7. Upshot of the above discussion is that the impugned decision for cancellation of detection bill of Rs.281,966 /- for 13,306 units for the period December 2016 to May 2017 is correct and maintained to this extent. The respondent should be charged net **974 units** for the disputed months i.e. December 2016 to May 2017. The billing account of the respondent may be revised after making adjustments of payments made (if any) against the above detection bill.
8. Foregoing in view, the impugned decision is modified.



Muhammad Qamar-uz-Zaman
Member



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Dated: 05.11.2020