



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

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No. NEPRA/AB/Appeal/117/2019/ 1098

November 10, 2020

1. M/s. Khaadi (SMC-PVT) Ltd,
First Floor, 94-D,
Mall-I, Main Boulevard,
Gulberg-III, Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Ch. Muhammad Yaseen Zahid
Advocate High Court,
M. Ramzan Law Company,
8-Chishti Plaza, 13-Fane Road,
Lahore
4. Assistant Manager (Opr),
LESCO Ltd,
Garden Town 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. M/s. Khaadi (SMC-PVT) Ltd. Against the Decision Dated 28.08.2018 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. 117/2019

Lahore Electric Supply Company LimitedAppellant

Versus

M/s. Khaadi (SMC-PVT) Ltd, First Floor, 94-D, Mall-I,
Main Boulevard, Gulberg-III, LahoreRespondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 28.08.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:

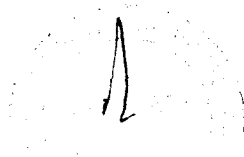
Ch. Muhammad Yaseen Zahid Advocate

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 28.08.2018 of Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. LESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its commercial consumer bearing Ref No. 24-11513-1009901 with a sanctioned load of 50 kW under A-2(c) tariff. As per fact of the case, metering equipment of the respondent was checked





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by LESCO on 27.01.2016 and reportedly the billing meter was found dead stop and the backup meter was found working okay. LESCO issued a bill amounting to Rs.1,720,300/- to the respondent in March 2017, which contained the detection bill of 79,380 (off peak=55,020, peak=24,360) units. Electric supply of the respondent was disconnected by LESCO on 24.04.2017 due to non-payment of above detection bill.

3. Being aggrieved, the respondent challenged the abovementioned detection bill before POI. During joint checking of the metering equipment of the respondent carried out by POI on 18.05.2018, the billing meter was found 33.56% slow and the backup meter was found functioning correctly. POI disposed of the matter vide its decision dated 28.08.2018 wherein the detection bill for the cost of 79,380 (off peak=55,020, peak=24,360) units was declared as void and LESCO was allowed to recover 33.56% slowness from the respondent w.e.f November 2015 till replacement of the slow billing meter.
4. Being dissatisfied with the decision of POI dated 28.08.2018 (hereinafter referred to as the impugned decision), LESCO filed the instant appeal before NEPRA along with application for condonation of the delay. In its appeal, LESCO contended that the billing meter of the respondent was found dead stop during checking dated 27.01.2016, hence the detection bill of 79,380 (off peak=55,020, peak=24,360) units was debited to the respondent as per reading of the backup meter. As per LESCO, POI neither recorded the evidence nor perused the relevant record/consumption data in true perspective and declared the meter as correct,



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which is illegal, unlawful, misconceived and without cogent reasons. LESCO termed the above detection bill as justified and prayed for setting the impugned decision. In its application for condonation of delay, LESCO submitted that the appeal was filed after obtaining power of attorney from Chief Law Officer LESCO within statutory period, if there is any delay in filing the appeal may be condoned in the best interest of justice.

5. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which however were not filed.
6. After issuing notice to both parties, hearing of the appeal was held at NEPRA Regional Office Lahore on 03.10.2020 in which Ch. Muhammad Yaseen Zahid Advocate appeared for LESCO and no one represented the respondent. Learned counsel for LESCO repeated the same contention as given in memo of the appeal and contended that the detection bill of 79,380 (off peak=55,020, peak=24,360) units was charged to the respondent on account of less units charged due to dead billing meter. As per learned counsel for LESCO, the above detection bill is correct and payable by the respondent. Learned counsel for LESCO prayed for setting aside the impugned decision.
7. Argument heard and the record examined. At first, the point of limitation need to be addressed, it is observed that the impugned decision was announced by POI on 28.08.2018 against which LESCO filed an appeal before NEPRA on 18.12.2018 after the prescribed limit of thirty days as envisaged in Section 38(3) of NEPRA Act, 1997. LESCO has not given cogent reasons justifying the delay in filing the



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appeal before NEPRA. Obviously, the appeal is time barred and liable to be dismissed. Even otherwise, the impugned decision for cancellation of the detection bill of 79,380 (off peak=55,020, peak=24,360) units and revision of the same @ 33.56% slowness w.e.f November 2015 and onwards till replacement of slow billing meter is based on facts as 33.56% slowness in the billing meter of the respondent was also established during POI joint checking dated 18.05.2018.

8. In consideration of above discussion, the appeal is dismissed.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 05.11.2020