



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

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No. NEPRA/AB/Appeal/125/2019/ *1100*

November 10, 2020

1. Muhammad Abbas (Focal Person)
For Government Girls Primary School,
Tehait, Model Town, Lahore
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Saeed Ahmed Bhatti
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore
4. Sub Divisional Officer (Opr),
LESCO Ltd,
Ismail Nagar 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. Muhammad Abbas Against the Decision Dated 01.01.2019 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



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Before Appellate Board, National Electric Power Regulatory Authority Islamabad

In the matter of

Appeal No.125/2019

Lahore Electric Supply Company LimitedAppellant

Versus

Muhammad Abbas focal person Government Girls Primary School
Tehait Model Town, LahoreRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 01.01.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the appellant:

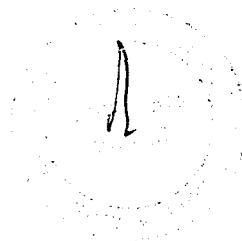
Mr. Saeed Ahmed Bhatti Advocate

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.15-11534-5246001 with a sanctioned load of 2 kW under the A-1R tariff. Display of the billing meter of the respondent became washed, hence it was replaced with a new meter by LESCO vide meter change order (MCO) dated 04.08.2017 and sent to the metering and testing (M&T) LESCO laboratory, wherein 14,918 units were found uncharged as per data retrieval report dated 28.05.2018. Resultantly, a detection bill amounting to Rs.298,124/- for 14,918 units was debited to the respondent by LESCO and added in the bill for May 2018.





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2. Being aggrieved, the respondent approached the Provincial Office of Inspection (POI) vide an application dated 26.11.2018 and challenged the above detection bill. POI disposed of the matter vide its decision dated 01.01.2019, wherein the detection bill of Rs.298,124/- for 14,918 units was declared as void and LESCO was allowed to charge the bills for the period March 2018 and onwards on the basis of corresponding consumption of previous year i.e. 2017.
3. Being dissatisfied with the decision dated 01.01.2019 of POI (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA, wherein it is contended that display of the meter of the respondent became vanished and it was replaced vide MCO dated 04.08.2017 and sent to M&T LESCO laboratory, wherein 14,918 units were found pending as per data retrieval report, hence the detection bill of Rs.298,124/- for 14,918 units was charged to the respondent in May 2018. LESCO termed the above detection bill as legal, valid and justified and payable by the respondent. As per LESCO, the POI has wrongly declared the above detection bill as void and directed for revision of the bills for the period March 2018 to May 2018 on basis of the consumption of corresponding months of the year 2017. LESCO prayed for setting aside the impugned decision on the plea that POI neither recorded the evidence nor perused the relevant record in true perspective and decided the application of the respondent on mere surmises and conjectures without any justification and cogent reasons.
4. Notice of the appeal was sent to the respondent for filing reply/para-wise comments,



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which however were not filed.

5. Hearing of the appeal was held at NEPRA Regional Office Lahore on 03.10.2020 in which learned counsel represented the appellant but no one made an 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 checked in M&T laboratory, wherein 14,918 balance units were found. LESCO further contended that the POI admitted the discrepancy in the disputed meter, hence the detection bill of 14,918 units charged to the respondent may be allowed being justified.
6. Arguments were heard and the record was perused. The respondent assailed before POI the detection bill of Rs.298,124/- for 14,918 units charged by LESCO on the basis of the difference of units already charged (2,226 units) and the final reading of the defective meter (17,144). However, LESCO neither associated the respondent during M&T checking nor produced the disputed billing meter before POI for checking. Scrutiny of consumption data reveals that the disputed billing meter was installed by LESCO on the premises of the respondent in April 2015 and subsequently replaced in July 2017 due to washed display: To arrive a just conclusion, the analysis of consumption data is done below:

Period	Normal units/month	Detection units/month
Disputed period: April 2015 to July 2017 (28 months)	108	612
Period after dispute: August 2017 to May 2018 (10 months)	101	-

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From the above table, it is transpired that the detection units charged @ 612 units/month during the disputed period April 2015 to July 2017 are much higher than the normal average consumption of 101 units/month for the period after the replacement of the defective meter i.e. August 2017 to May 2018. Even otherwise the detection bill charged to the respondent is not compatible with the sanctioned load i.e. 2 kW of the respondent, Hence, the detection bill of Rs.298,124/- for 14,918 units charged to the respondent is unjustified and liable to be cancelled as already determined in the impugned decision. Similarly, the determination of POI about the billing for the period March 2018 to May 2018 is contrary to the facts of the case as a healthy meter remained installed on the premises of the respondent during the said months, hence the impugned decision to the extent of revision of bills for the period March 2018 and onwards on the basis of corresponding consumption of previous year is void and should be withdrawn.

Perusal of consumption data manifests that the disputed billing meter became defective due to vanished display in April 2017 and remained installed on the premises of the respondent till July 2017. Hence the respondent may be charged the bills for the period April 2017 to July 2017 on the DEF-EST code basis in pursuance of clause 4.4(e) of the Consumer Service Manual (CSM).

7. Upshot of the above discussion is that the impugned decision for cancellation of detection bill amounting to Rs.298,124/- for 14,918 units is correct and maintained to this extent. The respondent should be charged the bills for the period April 2017 to



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July 2017 on DEF-EST code basis in pursuance of clause 4.4(e) of CSM. The billing account of the respondent may be revised after making adjustments of payments made (if any) against the above detection bill.

8. The impugned decision is modified in the above terms.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 05.11.2020