



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

NEPRA Office, Ata Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal/129/POI/2019/ 1176

November 30, 2020

1. Rai Noor Ahmad,  
S/o. Mian Fateh Muhammad,  
Prop: Zubair Cold Storage,  
R/o. Khurshid Nagar, Jaffar Abad,  
Havelly Lakha, Tehsil Depalpur,  
District Okara
2. Chief Executive Officer  
LESCO Ltd.  
22-A, Queens Road,  
Lahore
3. Malik Asad Akram Awan  
Advocate High Court,  
Sargodha Khushab Law Chambers,  
Turner Tower, First Floor, 9-Turner Road,  
Lahore
4. Sub Divisional Officer (Opr),  
LESCO Ltd.  
Bhoman Shah Sub Division,  
Depalpur, Okara
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. Rai Noor Ahmad Against the Decision Dated 26.12.2018 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 25.11.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)  
Deputy Director (M&E)

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.129/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Rai Noor Ahmed S/o Mian Fateh Muhammad, Prop Zubair Cold Storage,  
R/o Khurshid Nagar, Jaffar Abad, Havelly Lakha,  
Tehsil Depalpur, District Okara

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 26.12.2018 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:

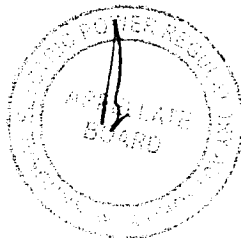
Malik Asad advocate

For the respondent:

Mr. Rai Noor Ahmed

### **DECISION**

1. As per facts of the case, the respondent is an industrial (cold storage) consumer of Lahore Electric Supply Company Limited (LESCO) bearing Ref No.24-11456-2314911 having a sanctioned load of 290 kW and the applicable tariff is B-2(b). Billing and backup meters were installed on the premises of the respondent by LESCO on 09.12.2015. Later on, the same metering equipment of the respondent was checked by metering and testing (M&T) LESCO on 26.04.2018 and reportedly the billing meter was found 45% slow, the backup meter was found okay and the difference of 68,000 units was noticed between the billing and backup meters readings. LESCO issued the bill of Rs.2,936,009/- to the respondent in May 2018, which contained the detection bill of Rs.1,446,312/- for 68,000 units for the period 14.12.2015 to 26.04.2018 charged on the basis of the difference between the billing





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and backup meters readings. The billing of the respondent was shifted on the backup meter by LESCO w.e.f May 2018 and onwards.

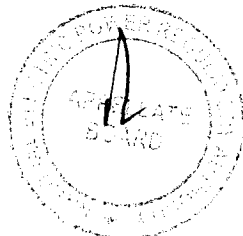
2. Being aggrieved, the respondent filed a complaint dated 20.07.2018 before the Provincial Office of Inspection (POI) and challenged the bill of Rs.2,936,009/- for May 2018. In his complaint, the respondent prayed for withdrawal of the unjustified amount of Rs.700,000/- out of the total bill of Rs.2,936,009/- for May 2018. The disputed billing meter of the respondent was checked by POI in presence of both the parties on 15.11.2018 and the billing meter was found within BSS limits, LESCO representatives did not sign the checking report. The complaint of the respondent was disposed of by POI vide decision dated 26.12.2018 wherein it was held that the bill of Rs.2,936,009/- for May 2018 is void, unjustified and of no legal effect and LESCO is allowed to charge revised bills from May 2018 and onwards on the basis of actual consumption recorded by the billing meter after providing necessary Prime Minister (PM) relief and fuel price adjustment (FPA), etc.
3. LESCO has filed the instant appeal before NEPRA wherein it is contended that the respondent challenged before POI the bill of Rs.700,000/- added in the bill for May 2018 being excessive, illegal and unlawful. LESCO opposed the impugned decision inter alia, on the grounds that the POI failed to appreciate the M&T report dated 26.04.2018 according to which the billing meter remained 45% slow during the period 14.12.2015 to 26.04.2018; that the detection bill of 68,000 units was rightly charged on the basis of backup meter reading; that the POI has not applied judicial mind while concluding and decided the case without appreciating the available evidence on record; and that the impugned decision is liable to be set aside.





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4. Notice of the appeal was issued to the respondent for filing reply/para-wise comment, which were filed on 25.09.2019. In the reply, the respondent raised the preliminary objection regarding limitation and contended that the appeal filed before NEPRA is time-barred. The respondent rebutted the stance of LESCO regarding charging the detection bill on the basis of 45% slowness of the billing meter and submitted that it was found within specified limits during M&T and POI checkings dated 09.11.2018 and 15.11.2018 respectively. The respondent defended the impugned decision and prayed for dismissal of the appeal with the cost.
5. Hearing of the appeal was conducted in NEPRA regional office Lahore on 09.11.2020 wherein learned counsel represented the appellant LESCO and the respondent appeared in person. Learned counsel for LESCO reiterated the same arguments as given in memo of the appeal and contended that the billing meter of the respondent was found 45% slow during M&T checking dated 26.04.2018 and the bill of Rs.2,936,009/- was issued to the respondent in May 2018 as per the reading of the backup meter. Learned counsel for LESCO argued that the respondent disputed an amount of Rs.700,000/- only against the above bill for May 2018 but POI decided the fate of the entire bill which is beyond the pleadings of the respondent. Learned counsel for LESCO prayed that the impugned decision is unjustified and liable to be struck down. Conversely, the respondent reiterated his objection regarding limitation and submitted that the appeal may be dismissed being time-barred. The respondent repudiated the version of LESCO and contended that the billing meter was functioning correctly and its accuracy was verified by POI, hence there is no justification to charge the excessive bill of Rs.2,936,009/- for May 2018. The respondent denied the claim of LESCO and averred that the entire bill of Rs.2,936,009/-

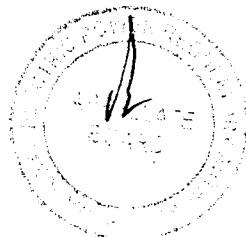




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was challenged before POI, which was rightly cancelled by the said forum. The respondent prayed for revision of the bill for May 2018 as per the actual reading recorded by the billing meter.

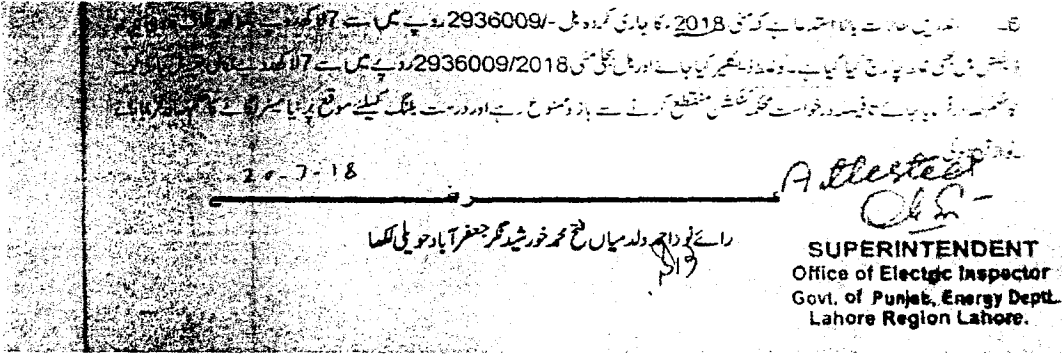
6. Having heard the arguments and record perused. Following are our observations:
  - i. As regards the preliminary objection of the respondent regarding limitation, it is observed that a copy of the impugned decision was received by LESCO on 28.12.2018 and the appeal was initially filed before NEPRA on 25.01.2019 within the prescribed limit of 30 days as envisaged in Section 38 of NEPRA Act, 1997. The objection of the respondent in this regard is devoid of force, therefore overruled.
  - ii. The respondent received a bill of Rs.2,936,009/- in May 2018 which included the detection bill of Rs.1,446,312/- for 68,000 units for the period 14.12.2015 to 26.04.2018 debited on the basis of difference of readings between the billing and backup meters as observed during M&T LESCO checking dated 26.04.2018. The respondent challenged the above bill before POI vide complaint dated 20.07.2018. POI vide impugned decision declared the bill of Rs.2,936,009/- for May 2018 as null, void and allowed LESCO to charge the revised bill of May 2018 based on the consumption recorded by the billing meter after affording PM relief and fuel price adjustment.
  - iii. During the arguments, LESCO pointed out that the respondent disputed the bill of Rs.700,000/- as illegal against the total bill of Rs.2,936,009/- for May 2018 before POI and the determination of POI for declaring the entire bill for May 2018 is incorrect and beyond the prayer of the respondent. To ascertain the claim of LESCO, the complaint dated 20.07.2018 of the respondent before POI was perused wherein he prayed to waive





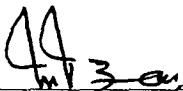
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off an amount of Rs.700,000/- from the bill of Rs.2,936,009/- for May 2018. The relevant portion of the complaint of the respondent is copied below for the sake of convenience:




There is a force in the arguments of LESCO that the POI afforded the relief beyond the pleadings of the respondent.

7. In consideration of the above, the impugned decision is set aside being nonspeaking, deficient and the matter is remanded back to POI for deciding afresh on merits after providing the opportunity of hearing to both the parties.

  
Muhammad Qamar-uz-Zaman  
Member/SA (Finance)

  
Muhammad Shafique  
Member/SA(Legal)

  
Nadir Ali Khoso  
Convener/DG (M&E)

Dated: 25.11.2020

