



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

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No. NEPRA/AB/Appeal/192/POI/2019/ 1177

November 30, 2020

1. Abdul Qadir  
S/o. Kaley Khan,  
Prop: Muhammad Afzal Ice Factory,  
R/o. Mohallah Hashim Pura,  
Kangan Pur, Tehsil Chunian,  
District Kasur
2. Chief Executive Officer  
LESCO Ltd.  
22-A, Queens Road,  
Lahore
3. Mehar Shahid Mehmood  
Advocate High Court,  
Office No. 34, Third Floor,  
Ali Plaza, 3-Mozang Road,  
Lahore
4. Sub Divisional Officer (Opr),  
LESCO Ltd.  
Kangan Pur Sub Division,  
Kangan Pur, District Kasur
5. Electric Inspector/POI  
Lahore Region, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore

Subject: **Appeal Titled Abdul Qadir Vs. LESCO Against the Decision Dated 29.10.2018 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. 192/POI-2019**

Abdul Qadir s/o Kaley Khan, Prop: Muhammad Afzal Ice Factory,  
R/o Mohallah Hashim Pura, Kangan Pur,  
Tehsil Chunian, District Kasur

.....Appellant

Versus

Lahore Electric Supply Company Limited

.....Respondent

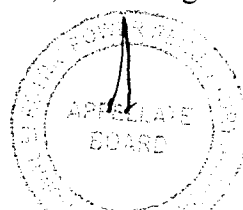
**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,  
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997  
AGAINST THE DECISION DATED 29.10.2018 PASSED BY PROVINCIAL  
OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:  
Mr. Abdul Qadir

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 29.10.2018 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. Brief facts of the case are that the appellant is an industrial consumer (Ice factory) of LESCO bearing Ref No.46-11735-9000803-R with a sanctioned load of 49 kW and the applicable tariff is B-2(b). The connection of the appellant was checked by metering and testing (M&T) LESCO on 24.07.2017 and reportedly, both the billing and backup meters were found within specified limits, incoming cables were found heated up. Assistant





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Manager (O) LESCO was advised to make an early arrangement for the replacement of the heated-up cables of the appellant. Connection of the appellant was again checked by LESCO on 29.09.2017 and the appellant was found stealing electricity directly through the transformer bushes and running load was noticed at red phase=108 Amp, yellow phase=107 Amp & blue phase=106 Amp. As per LESCO, FIR was registered against the appellant with the Police and a detection bill of Rs.1,865,363/- for 90,732 units for the period, March 2017 to August 2017 (6 months) was charged to the appellant and added in the bill for September 2017. The electric supply of the appellant was disconnected by LESCO due to the nonpayment of electricity dues. As per the direction of XEN LESCO, the connected load of the appellant was checked by SDO LESCO Kangan Pur Subdivision on 09.02.2018 and reportedly it was found as 44.114 kW.

3. Being aggrieved, the appellant filed Writ Petition No.242582/2018 before the Lahore High Court Lahore against the above bill charged by LESCO. The honorable High Court vide order dated 16.10.2018 referred the matter to the Provincial Office of Inspection (POI). Consequently, the appellant filed an application before POI and challenged the above detection bill. POI pronounced its decision on 29.10.2018, the operative portion of the decision is reproduced below:

*“Perusal of the application filed by the petitioner shows that the impugned bill has been charged by LESCO on the allegations of Direct Hooking. As such the matter in hand does not fall within the jurisdiction of Electric Inspector/POI as held by the Honorable Supreme Court of Pakistan in the case reported as SC 2012 PLD 371. In*

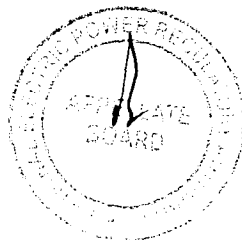




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*view of the above, the petition is hereby returned to the petitioner to file it before the court of competent jurisdiction.”*

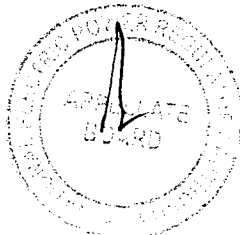
4. The appeal in hand has been filed against the POI decision dated 29.10.2018 (hereinafter referred to as the impugned decision) by the appellant before NEPRA. In its appeal, the appellant inter alia contended that the incoming cables from the transformer were heated-up for which he approached repeatedly to LESCO for rectification of the fault but no action was taken by the SDO LESCO Kangan Pur subdivision. The appellant further contended that LESCO checked the connection unilaterally on 30.09.2017 and removed his transformer on the plea that the two phases of the transformer were found dead. As per the appellant, LESCO debited a detection bill of Rs.1,865,363/- for 90,712 units on the basis of 66 kW load despite the factory remained closed for eleven days against which he complained before the minister's open court, where XEN LESCO assured him for rectification of the bill. According to the appellant, his connected load was checked by SDO LESCO Kangan Pur Subdivision and found as 44.114 kW. The appellant submitted that incoming cables of the transformer were found heated-up during M&T LESCO checking dated 24.07.2017 but the transformer was removed by LESCO instead of rectification of the fault. The appellant further submitted that he assailed the above detection bill before POI but could not get relief from the said forum. The appellant finally prayed for the decision in the best interest of justice.
5. Notice was served to the respondent for filing the reply/para-wise comments to the appeal, which were not filed.





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6. Notice was issued to both the parties and the appeal was heard in Lahore on 09.11.2020 in which the appellant appeared in person and no one represented LESCO. The appellant opposed the impugned decision and contended that the POI has decided the case without checking the metering equipment. The appellant further contended that it is a metering dispute and the POI has jurisdiction to entertain such nature of disputes. The appellant prayed that the detection bill of Rs.1,865,363/- for 90,712 units charged by LESCO is unjustified and liable to be withdrawn in the best interest of justice.
7. Having heard the arguments and the record perused. Metering equipment of the appellant was checked by LESCO on 29.09.2017 and the appellant was found stealing electricity directly through the transformer bushes and the running load was noticed higher than the sanctioned load. Therefore FIR was registered against the appellant with the police and a detection bill of Rs.1,865,363/- for 90,732 units for the period, March 2017 to August 2017 (6 months) was charged to the appellant on the basis of connected load and added in the bill for September 2017. The appellant challenged the above detection bill before POI. The appellant confirmed that the metering equipment installed on the premises is functioning correctly and the billing is continued by LESCO on the same billing meter. Moreover, the criminal proceedings initiated by LESCO on account of theft of electricity are still pending against the appellant. This indicates that the dispute pertains to the direct hooking for utilization of electricity and no metering equipment is involved, as such POI is not authorized to adjudicate the matter. Reliance is placed on judgment of the honorable Supreme Court of Pakistan reported as PLD 2012 SC 371, the relevant portion of which is





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reproduced below for convenience:

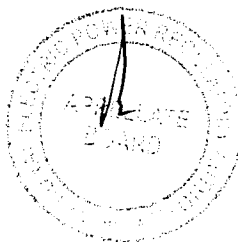
### "PLD 2012 SC 371

(a) Electricity Act (IX of 1910)--- ----Ss. 26(6) & 26-A---Detection bill, issuance of---Theft of energy by consumer, charge of--- Jurisdiction of Electric Inspector and Advisory Board---Scope---Electric Inspector for possessing special expertise in examining the working of metering equipment and other related apparatus had jurisdiction to entertain reference under S.26(6) of Electricity Act, 1910 only in case of dishonest consumption of energy by consumer through deliberate manipulation of or tampering with metering equipment or other similar apparatus---Electric Inspector would have no jurisdiction in matter of theft by means other than tampering or manipulation of metering equipment etc., falling exclusively under S. 26-A of Electricity Act, 1910---

(b) Electricity Act (IX of 1910)--- ----Ss. 26(6) & 26-A---Civil Procedure Code (V of 1908), S.9--- Detection bill, issuance of--- Charge of theft of energy by the consumer through metering equipment or relating to reading thereof---Jurisdiction of Electric Inspector---Scope---Civil Court had no jurisdiction in such matter, only Electric Inspector had powers to take cognizance thereof--- Illustrations.

(c) Electricity Act (IX of 1910)--- ----Ss. 26(6) & 26-A---Civil Procedure Code (V of 1908), S.9--- Detection bill, issuance of--- Charge of theft of energy through bypassing metering equipment--- Jurisdiction of Electric Inspector---Scope---Such matter would not fall within S. 26(6) of Electricity Act, 1910 and ambit of powers of Electric Inspector---Consumer in such case could take recourse to any other legal remedy available to him under law---Illustration.

In consideration of what is stated above, we are inclined to agree with the determination of POI that he has no jurisdiction in the instant matter. Hence the





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impugned decision is liable to be maintained.

8. In view of above, the impugned decision is maintained and consequently, the appeal is dismissed.

Muhammad Qamar-uz-Zaman  
Member/Senior Advisor (Finance)

Muhammad Shafique  
Member/Senior Advisor (Legal)

Nadir Ali Khoso  
Convener/Director General (M&E)

Dated: 25.11.2020

