



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

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

No. NEPRA/AB/Appeal/218/2019/ *Mc2*

November 10, 2020

1. Hafiz Muhammad Shahbaz
S/o. Muhammad Khalid,
R/o. House No. 1078-D
Koocha Shah Khokhar Road,
Badami Bagh, 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. Assistant Manager (Opr),
LESCO Ltd,
Data 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. Hafiz Muhammad Shahbaz Against the Decision Dated 19.03.2019 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 03.11.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakcel)
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

In the matter of

Appeal No.218/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Hafiz Muhammad Shahbaz S/o Muhammad Khalid R/o House No.1078-D,
Koocha Shah Khokhar Road, Badami Bagh, Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 19.03.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the appellant:

Mr. Saeed Ahmed Bhatti advocate
Mr. Tanveer SDO

For the respondent:

Hafiz Muhammad Shahbaz

DECISION

1. Brief facts of the case are that the respondent is an industrial consumer of Lahore Electric Supply Company Limited (LESCO) bearing Ref No.24-11151-0458303 having tariff B-2(b). The billing meter of the respondent was checked by metering and testing (M&T) LESCO on 10.08.2018 and reportedly it was found 66.66% slow due to two dead phases. Notice dated 17.09.2018 was served to the respondent and a detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 (15 months) was debited to the respondent by LESCO @ 66.66% slowness of the meter and added in the bill for October 2018.
2. Being aggrieved, the respondent assailed the above detection bill before the Provincial Office of Inspection (POI) on 23.11.2018. 66.66% slowness in the meter of the respondent



National Electric Power Regulatory Authority

was established during the POI joint checking dated 30.01.2019. The complaint of the respondent was disposed of by POI vide decision dated 19.03.2019 and it was held that the detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 is void, unjustified and of no legal effect. POI directed LESCO to charge the bills w.e.f July 2018 and onwards to the respondent after adding 66.66% slowness of the meter.

3. Being dissatisfied with the POI decision dated 19.03.2019 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal before NEPRA wherein the impugned decision was opposed on the grounds that the meter was found 66% slow during M&T checking dated 10.08.2018, as such the detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 (15 months) was charged to the respondent on the basis of said checking; that the POI failed to analyze the consumption data and revised the detection bill for two months @ 66.66% slowness of the meter; that the impugned decision was pronounced by POI after the expiry of the mandatory period of 90 days as laid down in Section 26(6) of Electricity Act 1910 and that the impugned decision is ex-facie coram non-judice, ab initio void and without jurisdiction and liable to be set aside.
4. Notice was sent to the respondent to submit reply/para-wise comments to the appeal, which were not filed.
5. After issuing notice, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 03.10.2020 wherein learned counsel along with LESCO official appeared for the appellant and the respondent appeared in person. Learned counsel for LESCO reiterated the arguments same as given in memo of the appeal and contended that the



National Electric Power Regulatory Authority

detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 was debited to the respondent on account of 66.66% slowness of the meter as observed by LESCO on 10.08.2018. As per learned counsel for LESCO, 66.66% slowness in the meter was verified by POI. hence the full period of the above detection bill be allowed instead of two months only. On the other hand, the respondent appearing in person defended the impugned decision and prayed for its maintainability.

6. Having heard the arguments and the record perused. As regards the preliminary objection of LESCO regarding the failure of POI in deciding the matter within 90 days as envisaged in Section 26(6) of Electricity Act, 1910, it may be explained that the period of 90 days is provided in Electricity Act, 1910 which is not relevant for the offices of Provincial Offices of Inspection (POI) established under Section 38 of NEPRA Act, 1997. NEPRA is the appellate authority against the decisions of POI and not that of Electric Inspectors. It has already been held by Honorable Lahore High Court in judgments cited as PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309 that impugned order was passed by POI under section 38 of NEPRA Act, 1997 and not by Electric Inspector under Electricity Act, 1910 therefore, the outer time limit of 90 days is inapplicable. The objection of LESCO in this regard is devoid of force, therefore rejected. The respondent was charged the detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 (15 months) by LESCO on account of 66.66% slowness of the meter, which was disputed before POI. Said slowness in the meter was confirmed by POI during joint checking dated 30.01.2019. Only the period of the detection bill needs to be determined. Pursuant to clause 4.4(e) of Consumer Service Manual (CSM), the respondent may be charged the detection bill maximum for two months in case of slow meter, whereas LESCO charged



National Electric Power Regulatory Authority

the above detection bill beyond two billing cycles to the respondent due to a slow meter, which is the violation of clause 4.4 of CSM. Under these conditions, the detection bill of Rs.804,834/- for 33,455 units/317 kW MDI for the period June 2017 to August 2018 (15 months) charged to the respondent @ 66.66% slowness of the meter is declared null and void as already decided by POI. According to clause 4.4 of CSM, the respondent may be charged the detection bill for two months i.e. July 2018 and August 2018 in case of a slow meter, which is also the determination of POI.

7. Foregoing in view, the impugned decision is maintained and the appeal is dismissed accordingly.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Dated: 03.11.2020

