



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

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No. NEPRA/AB/Appeal/167/POI/2019/ 30

January 19, 2021

1. Mst. Shamim Akhtar
Through Zohaib Raza,
S/o. Muhammad Sadiq,
R/o. Street No. 02, Siddique Colony No. 2,
Badama 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. Sub Divisional Officer (Opr),
LESCO Ltd,
Shad Bagh 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. Mst. Shamim Akhtar Against the Decision Dated 26.03.2019 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 08.01.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**

(Ikram Shakeel)
Deputy Director (M&E)
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.167/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mst. Shamim Akhtar Through Zohaib Raza S/o Muhammad Sadiq

R/o Street No.02, Sidique Colony No.02,, Badami Bagh, LahoreRespondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 26.03.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the appellant:

Mr. Saeed Ahmed Bhatti advocate

Syed Husnain Murtaza SDO

For the respondent:

Nemo

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.46-11152-0392200 having tariff B-1(b). The billing meter of the respondent was checked by metering and testing (M&T) LESCO on 10.12.2018 and reportedly it was found 66.66% slow due to two dead phases and the connected load was observed as 10.66 kW. Notice dated 10.12.2018 was served to the respondent regarding the above discrepancy and a detection bill amounting to Rs.601,080/- for 34,472 units for the period October 2017 to September 2018 (12 months) was debited to the respondent by LESCO based on 40% load factor of the contended and added in the bill for December 2018.



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2. Being aggrieved, the respondent assailed the above detection bill along with the bill of December 2018 before the Provincial Office of Inspection (POI) on 16.01.2019. 66.66% slowness in the meter of the respondent was established during the POI joint checking dated 28.02.2019. The complaint of the respondent was disposed of by POI vide decision dated 26.03.2019 wherein it was held that the detection bill of Rs.601,080/- for 34,472 units for the period October 2017 to September 2018, the monthly bills for December 2019 and February 2019 are declared as void, unjustified and of no legal effect. POI directed LESCO to charge the bills after adding 66.66% slowness of the meter w.e.f August 2018 and onwards till the replacement of the slow meter.
3. Being dissatisfied with the POI decision dated 26.03.2019 (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 of the respondent was found 66% slow during M&T checking dated 10.12.2018, as such the detection bill of Rs.601,080/- for 34,472 units for the period October 2017 to September 2018 (12 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 as per Clause 4.4 of the Consumer Service Manual (CSM); that the impugned decision is illegal, unlawful, void, ab-initio, without jurisdiction and the same is 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.



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5. After issuing notice, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 30.12.2020 wherein learned counsel along with SDO LESCO appeared for the appellant and no one represented the respondent. Learned counsel for LESCO reiterated the same arguments as given in the appeal and contended that the detection bill of Rs.601,080/- for 34,472 units for the period October 2017 to September 2018 was debited to the respondent on account of 66.66% slowness of the meter as observed by LESCO on 10.12.2018. As per learned counsel for LESCO, 66.66% slowness in the meter of the respondent was verified by POI and low consumption was also recorded during the disputed period, hence the full period of the above detection bill be allowed instead of two months only.
6. Having heard the arguments and the record perused. The respondent was charged the detection bill amounting to Rs.601,080/- for 34,472 units for the period October 2017 to September 2018 (12 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 28.02.2019. Only the period of the detection bill needs to be determined. Pursuant to clause 4.4(e) of CSM, the respondent may be charged the detection bill maximum for two months in case of a slow meter, whereas LESCO charged 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 amounting to Rs.601,080/- for 34,472 units for the period October 2017 to September 2018 (12 months) charged to the respondent @ 66.66% slowness of the meter is declared as 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. August 2018 and September 2018, and onwards till



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the replacement of the slow meter @ 66% slowness of the 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/SA (Finance)

Nadir Ali Khoso
Convener/DG (M&E)

Muhammad Shafique
Member/SA (Legal)

Dated: 08.01.2021