



**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/185/POI/2019/ 132


January 19, 2021

1. Dr. Muhammad Aslam  
Chief Executive, Islamabad Farms,  
Through Maaz Bin Abid,  
Electrical Engineer Islamabad Farms,  
Situated at Kausar Road, KOt Mehtab Khan,  
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. Assisnat Manager (Opr),  
LESCO Ltd,  
Raja Jang Sub Division,  
Raja Jang
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. Dr. Muhammad Aslam 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 15.01.2021, 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. 185/POI-2019

Lahore Electric Supply Company Limited .....Appellant

Versus

Dr. Muhammad Aslam, Chief Executive, Islamabad Farms Through  
Maaz Bin Abid, Electrical Engineer Islamabad Farms, Situated at  
Kausar Road, Kot Mehtab Khan Kasure .....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. Mehar Shahid Mehmood Advocate  
Mr. Naseer Anwar SDO

#### 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 19.03.2019 of Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as POI) is being disposed of.
2. LESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its industrial consumer



## National Electric Power Regulatory Authority

bearing Ref No.46-11753-1308501 with a sanctioned load of 35 kW under the B-2(b) tariff. As per fact of the case, the metering equipment of the respondent was checked by metering and testing (M&T) LESCO on 06.09.2018 and reportedly the billing meter was found tampered. LESCO issued a detection bill of Rs.427,180/- for 26,294 units for the period from March 2018 to July 2018 (5 months) to the respondent and added in the bill for August 2018.

3. Being aggrieved, the respondent challenged the abovementioned detection bill before POI on 30.11.2018. The matter was decided by POI vide its decision dated 19.03.2019 wherein the detection bill of Rs.427,180/- for 26,294 units for the period March 2018 to July 2018 was declared as void and LESCO was allowed to charge the bills for June 2018 and onwards till replacement of the defective meter on the basis of consumption of June 2017 and onwards.
4. Being dissatisfied with the decision of POI dated 19.03.2019 (hereinafter referred to as the impugned decision), LESCO filed the instant appeal before NEPRA. In its appeal, LESCO contended that the billing meter of the respondent was found tampered (body repasted) during checking dated 06.09.2018, hence notice dated 06.09.2018 was served to the respondent and a detection bill of Rs.427,180/- for 26,294 units for the period March 2018 to July 2018 was debited to the respondent. As per LESCO, POI did not apply his independent and judicious mind while passing the impugned decision. According to LESCO, the impugned decision was pronounced without perusing the record which is against the settled principle of law. LESCO pointed out that the



## National Electric Power Regulatory Authority

impugned decision was pronounced by POI after the expiry of 90 days, hence became functus, void, ab-initio, and coram non-judice in pursuance of judgment reported as WAPDA V/s M. Amir Malik, etc.

5. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which however were not filed.
6. Notice was issued and hearing of the appeal was held at NEPRA Regional Office Lahore on 30.12.2020 which was attended by learned counsel for LESCO along with SDO LESCO and no one appeared for the respondent. At the outset of the hearing, learned counsel for LESCO raised the preliminary objection regarding authorization of the respondent and argued that Mr. Maaz Bin Abid the respondent is not a registered consumer of LESCO and has no locus standi to plead the case. On merits, Learned counsel for LESCO argued that the detection bill of Rs.427,180/- for 26,294 units for the period from March 2018 to July 2018 was debited to the respondent due to theft of electricity committed by the respondent through the tampered meter, which was paid by the respondent in August 2018. Learned counsel for LESCO prayed to allow the detection bill for four months instead of two months as allowed by POI.
7. Argument heard and the record examined. It has been observed as under:
  - i. 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 POI established under Section 38 of



## National Electric Power Regulatory Authority

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 Faisalabad High Court in judgments cited as PLJ 2017-Faisalabad-627 and PLJ-2017-Faisalabad-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.

- ii. Regarding another objection of LESCO for locus standi, it is noticed that the application was filed by Mr. Maaz Bin Abid on behalf of the respondent before POI but no such objection was raised by LESCO before the said forum. Therefore raising the objection at the belated stage is not sustainable in the eye of law and dismissed.
- iii. LESCO charged the detection bill of Rs.427,180/- for 26,294 units for the period March 2018 to July 2018 to the respondent on the plea that the respondent was found stealing electricity through the tampered meter on 06.09.2018. However, neither the disputed meter was produced before POI for checking nor the procedure for theft of electricity as laid down in chapter 9 of the Consumer Service Manual (CSM) was followed by LESCO. Under these circumstances, POI has rightly cancelled the detection bill of Rs.427,180/- for 26,294 units for the period March 2018 to July 2018 and allowed LESCO to revise the bills from June 2018 and onwards till the replacement of the disputed meter on the basis of consumption



## National Electric Power Regulatory Authority

of June 2017 and onwards.

8. Foregoing in view, the impugned decision is maintained and consequently the appeal is dismissed.

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

Nadir Ali Khoso  
Convener/DG (M&E)

Muhammad Shafique  
Member/SA (Legal)

Dated: 15.01.2021