



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

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No. NEPRA/AB/Appeal/217/POI/2019/ 34

January 19, 2021

1. Aziz-ur-Rehman  
S/o. Muhammad Kaleem,  
R/o. Street No. 03, Plot No. 13,  
Mohallah Sham Nagar, Behind Beco Factory,  
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. 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. Aziz-ur-Rehman Against the Decision Dated 23.04.2019 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 11.01.2021, 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.217/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Aziz-ur-Rehman S/o Muhammad Kaleem R/o Street No.03, Plot No.13,

Mohallah Sham Nagar Behind Beco Factory, 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 23.04.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE**

For the appellant:

Mr. Saeed Ahmed Bhatti advocate

Mr. Hunain Murtaza SDO

For the respondent:

Mr. Gul Abbas Advocate

Mr. Aziz-ur-Rehman

### **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.46-11152-0343000-U having a sanctioned load of 4 kW and the applicable tariff is B-1(b). The billing meter of the respondent was checked by metering and testing (M&T) LESCO on 01.12.2018 and reportedly its software was found disturbed. The detection bill of Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 (12 months) was debited to the respondent by LESCO on the basis of consumption of the previous year and added in the bill for January 2019.



## National Electric Power Regulatory Authority

2. Being aggrieved, the respondent challenged the above detection bill before the Provincial Office of Inspection (POI) on 20.02.2019. The complaint of the respondent was disposed of by POI vide decision dated 23.04.2019 wherein the detection bill of Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 was declared as null and void and LESCO was allowed to charge the bills from November 2018 and onwards till the replacement of the defective meter on the basis of consumption of November 2017 and onwards.
3. Being dissatisfied with the POI decision dated 23.04.2019 (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 software of the meter of the respondent was found defective during M&T checking dated 01.12.2018, therefore the detection bill amounting to Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 was charged to the respondent on the basis of said checking; that the POI failed to analyze the consumption data and revised the bills from November 2018 and onwards till the replacement of the defective meter based on the consumption of November 2017 and onwards as per Clause 4.4 of the Consumer Service Manual (CSM) without applying his judicious mind; that Clause 4.4(e) of CSM could not be made applicable in the instant case; and that the impugned decision is liable to be set aside.
4. Notice was sent to the respondent to submit reply/para-wise comments to the appeal, which were filed on 12.09.2019. In his reply, the respondent stated that the excessive bills were being charged by LESCO against which he approached SDO LESCO for clarification regarding the excessive billing. As per respondent, LESCO informed that the bills were



## National Electric Power Regulatory Authority

charged due to the defective meter. According to the respondent, neither served prior notice nor alleged checking was carried out in his representation, hence there is no justification to charge any detection bill. The respondent submitted that the above detection bill was charged for a period of twelve months in violation of clause 4.4 of CSM, which allows LESCO to debit the detection bill for two months only. The respondent finally prayed for dismissal of the appeal and maintainability of the impugned decision.

5. After issuing notice, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 30.12.2020 which was attended by both the parties. Learned counsel for LESCO reiterated the same arguments as given in the appeal and contended that the detection bill of Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 was debited to the respondent on the basis of healthy consumption of the previous year due to the defective meter as observed by LESCO on 01.12.2018. As per learned counsel for LESCO, low consumption was also recorded during the disputed period, hence the full period of the above detection bill is justified and payable by the respondent. On the contrary, learned counsel for the respondent repeated the same version as given in the reply to the appeal and argued that neither prior notice was served nor the alleged checking was conducted by LESCO in the representation of the respondent. Learned counsel for the respondent defended the impugned decision and prayed for upholding the same.
6. Having heard the arguments and the record perused. Following are our observations:
  - i. The respondent was charged the detection bill amounting to Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 by LESCO due to the defective software of the meter, which was disputed before POI. Pursuant to clause 4.4(e) of CSM, the respondent may be charged the detection bill maximum for two months in



## National Electric Power Regulatory Authority

case of a defective meter, whereas LESCO charged the above detection bill for twelve months to the respondent due to the defective meter, which is the violation of clause 4.4 of CSM. Under these conditions, the detection bill amounting to Rs.182,660/- for 10,247 units for the period January 2018 to December 2018 charged to the respondent 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. November 2018 and December 2018 on the basis of consumption of November 2017 and December 2017, which is also the determination of POI. The billing account of the respondent may be overhauled, accordingly.

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

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

A handwritten signature in black ink, appearing to read 'Nad Ali Khoso', is written above a horizontal line.

Nadir Ali Khoso  
Convener/DG (M&E)

A handwritten signature in black ink, appearing to read 'MS', is written above a horizontal line.

Muhammad Shafique  
Member/SA (Legal)

Dated: 11.01.2021