



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 E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal/300/POI/2019/ 088


January 27, 2022

- | | |
|--|---|
| 1. Shahzad Meraj Din,
S/o. Meraj Din,
R/o Jinnah Park, Sultan Pura,
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 (Operation),
LESCO Ltd,
Shad Bagh Sub Division,
Lahore |
| 5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore | |

Subject: **Appeal Titled LESCO Vs. Shahzad Meraj Din Against the Decision Dated 27.09.2019 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 18.01.2022, 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

In the matter of

Appeal No. 300/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Shahzad Meraj Din S/o Meraj Din
R/o Jinnah Park Sultan Pura Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 27.09.2019 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION, LAHORE

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by the Lahore Electric Supply Company Limited (hereinafter referred to as the LESCO) against the decision dated 27.09.2019 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the POI) is being disposed of.
2. LESCO is a licensee of the National Electric Power Regulatory Authority (hereinafter referred to as the NEPRA) for distribution of electricity in the territory





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and as per terms and conditions specified in the license and the Respondent is its industrial consumer bearing Ref No.46-11152-0351500 with a sanctioned load of 11 kW under the B-1(b) Tariff category. As per stated facts of the case, the billing meter of the Respondent was checked by the Metering and Testing (M&T) LESCO on 17.01.2019 and it was found 66% slow due to the two dead phases. Therefore, a detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months was charged to the Respondent by the LESCO on the basis of connected load and included in the bill for January 2019.

3. Being dissatisfied, the Respondent filed a complaint dated 25.02.2019 before the POI and disputed the above detection bill. The billing meter of the Respondent was inspected by the POI on 20.03.2019 in presence of both the parties and it was found 66% slow due to two phases being dead. The complaint of the Respondent was disposed of vide the POI decision dated 27.09.2019, wherein the detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months was declared null and void. As per the POI decision, LESCO was allowed to charge the detection bill for the period November 2018 and December 2018 two (2) months and onwards till the replacement of the meter to account for 66% slowness of the meter.
4. Subject appeal has been filed by the LESCO against the afore-mentioned decision (hereinafter referred to as the impugned decision) before the NEPRA. In its appeal, the LESCO objected to the maintainability of the impugned decision, inter alia, on



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the following grounds, (1) the billing meter of the Respondent was found 66% slow on 17.01.2019; (2) the detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months was debited to the Respondent on the basis of connected load; (3) Clause 4.4 of the Consumer Service Manual (CSM) could not be made applicable in the instant case for the determination of the detection bill; (5) the impugned decision was rendered by the POI after the expiry of statutory period of ninety (90) days, hence it is ex-facie coram non judice, ab-initio void and without jurisdiction; (6) the Respondent did not serve notice prior filing complaint to the POI as required under Section 26(6) of the Electricity Act 1910. LESCO finally prayed that the impugned decision be set aside.

5. The Respondent was issued notice for filing reply/para-wise comments, which were not filed.
6. Hearing of the appeal was conducted at the NEPRA Regional Office Lahore on 30.12.2021, wherein learned counsel appeared for the LESCO, however no one appeared for the Respondent. Learned counsel for the LESCO reiterated the same contentions as given in memo of the appeal and stated that the detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months was debited to the Respondent on the basis of connected load since the billing meter of the Respondent was found 66% slowness on 17.01.2019. Learned counsel for the LESCO argued that 66% slowness in the billing meter of the Respondent was established during the POI joint checking dated 20.03.2019,



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as such the above detection bill charged to the Respondent is justified and payable. He averred that the low consumption recorded during the months i.e. November 2018 and December 2018, therefore the Respondent was charged the detection bill on the basis of connected load, which is justified. Learned counsel for the LESCO opposed the impugned decision for revision of the above detection bill for two (2) months and prayed to allow the entire period of the above detection bill.

7. Arguments heard, perused the record placed before us and our observations are as under:

- i. With regard to the preliminary objection of the LESCO for the failure of the POI in deciding the matter within ninety (90) days as provided under Section 26(6) of the Electricity Act, 1910, it is clarified that the period of ninety (90) days provided in the Electricity Act, 1910 is not relevant for the POI established under the Section 38 of NEPRA Act, 1997. NEPRA is the appellate authority against the decisions of the POI and not that of Electric Inspectors. The same has already been held by the Honorable Lahore High Court, Lahore in the judgments reported in PLJ 2017-Lahore-627 and PLJ-2017-Lahore-309. Therefore, the stated time limit of ninety (90) days is inapplicable. The objection of the LESCO in this regard carries no weight, therefore rejected.

- ii. As regards another objection of the LESCO for not issuing notice as per the



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Electricity Act, 1910 by the Respondent before filing a complaint to the POI, it is elucidated that the matter was adjudicated by the POI under the NEPRA Act, 1997 and as per procedure laid down in Punjab (Establishment and Powers of Office of Inspection) Order, 2005, which do not require for service of any notice before approaching the POI. The above objection of LESCO is not valid, therefore overruled.

- iii. LESCO charged the detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months on account of 66% slowness of the meter as observed on 17.01.2019. According to Clause 4.4 of the CSM, a consumer can be charged the detection bill maximum for two (2) months in case of a slow meter. In the instant case, LESCO has violated the ibid Clause of the CSM by charging the detection bill beyond two (2) months. It is further observed that the above detection bill was charged on the basis of connected load, however no justification was given by the LESCO for charging the said detection bill on the connected load instead of declared 66% slowness. Chapter 4 of CSM allows LESCO to charge the detection bill as per slowness of the meter and there is no provision in the CSM for charging the detection bill on connected load in the cases of slow meter. Therefore, we are of the view that the detection bill of Rs.142,373/- for 8,013 units for the period January 2018 to December 2018 twelve (12) months charged by the LESCO is unjustified and declared null and void, which is also the determination of the POI.





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iv. Since 66% slowness was observed in the disputed meter of the Respondent on 17.01.2019 and it was confirmed by the POI during joint checking dated 20.03.2019, the Respondent should be charged the detection bill for two (2) months i.e. November 2018 and December 2018 due to 66% slowness of the disputed meter, pursuant to Clause 4.4(e) of the CSM. Moreover, the onward bills already charged with enhanced MF by the LESCO are justified and payable by the Respondent as decided by the POI.

9. Forgoing in view, the impugned decision is maintained and the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor
(CAD)

Date: 18.01.2022

