



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

NEPRA Office, Ataturk 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/013/2022/ 440

August 10, 2023

- | | |
|--|--|
| 1. Muhammad Ramzan
S/o Nabi Bakhsh,
M/s Fancy Baby Land, 19- A/S,
Shami Shaheed Road, Nasir Park,
Bilal Gunj, 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. Manzar Abbas Khokhar,
Advocate High Court,
C.M. Centre, Link Farid Kot Road,
Lahore |
| 5. Assistant Manager (Opr),
LESCO Limited,
Karim Park Sub Division,
Lahore. | 6. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: Appeal Titled LESCO Vs. Muhammad Ramzan Against the Decision Dated 30.11.2021 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 10.08.2023, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.013/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Ramzan S/o Nabi Bakhsh, M/s Fancy Baby Land,
19- A/S, Shami Shaheed Road, Nasir Park, Bilal Gunj, Lahore

.....Respondent

APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate
Mr. Muhammad Khalil Yousaf SDO

For the Respondent:

Mr. Muhammad Ramzan

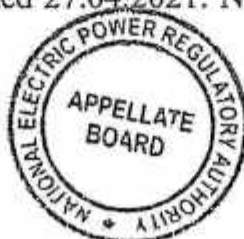
DECISION

1. Through this decision, the instant appeal filed by the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 30.11.2021 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Ramzan (hereinafter referred to as the "Respondent") is an industrial (plastic factory) consumer of the Appellant bearing Ref No.24-11134-0010301 with sanctioned load of 75 kW and the applicable Tariff category is B-2b(12). The Appellant has claimed that the two phases of the billing meter of the Respondent were found dead stop during the Metering & Testing ("M&T") team checking dated 27.04.2021. Notice dated 30.06.2021 was issued to

Appeal No.013/POI-2022

Page 1 of 6

M. Q





National Electric Power Regulatory Authority

the Respondent regarding the above discrepancy. Thereafter, a detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 was charged to the Respondent @ 66% slowness of the meter and added to the bill for August 2021.

3. Being aggrieved, the Respondent filed a complaint before the POI and challenged the above detection bill. During the joint checking of POI on 16.11.2021, 66% slowness in both billing and backup meters was established, checking a report of joint inspection was signed by both parties without raising any objection. The complaint of the Respondent was disposed of by the POI vide the decision dated 30.11.2021, wherein the detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 was cancelled and the Appellant was allowed to revise the bills for two months i.e. May 2021 and June 2021 after adding 66% slowness. The Appellant was further directed to install a new TOU billing meter along with current transformers (CTs) at the premises of the Respondent for future billing.
4. Through the instant appeal, the afore-referred decision dated 30.11.2021 of the POI has been impugned by the Appellant before the NEPRA. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds, (1) the POI misconstrued the real facts of the case and erred in declaring the detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 as null and void and allowed the Appellants to charge the revised bills for May 2021 and June 2021 @ 66% slowness of the meter; (2) Clause 4.3.3(c)(ii) of the Consumer Service Manual 2020 (the Revised "CSM-2020") cannot be made applicable in the instant case; (3)



M. A.



National Electric Power Regulatory Authority

the POI while deciding the matter ignored consumption data and other authentic documents from which it is fully established that the impugned meter was 66% slow from December 2020 to June 2021; (4) the POI neither recorded the vidence nor perused the relevant record/consumption data and decided the complaint of the Respondent on mere surmises and conjectures; and (5) the impugned decision is illegal, unlawful, arbitrary and the same is liable to be set aside.

5. Proceedings by the Appellate Board

Upon filing of the instant appeal, a notice dated 07.01.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. In his reply, the Respondent repudiated the version of the Appellant regarding the above detection bill and submitted that the Appellant failed to regularize the enhanced load due to which two phases of the meter became defective. As per Respondent, the Appellant with malafide intentions did not fulfill the criteria of extension of load and failed to install the new CTs compatible with the connected load. He opposed the charging of the detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 and defended the impugned decision to the extent of revision of the said bill for May 2021 and June 2021 @ 66% slowness of the meter.

6. Hearing

6.1 Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 02.06.2023, which was attended by counsel for the Appellant, whereas the Respondent appeared in person. Learned counsel for the Appellant reiterated the same version as contained in the memo of the appeal and contended that two phases





National Electric Power Regulatory Authority

of the billing meter of the Respondent were found dead stop during checking dated 27.04.2021, which was also verified by the POI being competent forum, as such the recovery of detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 @ 66% slowness be allowed in the best interest of justice. Learned counsel for the Appellant prayed for setting aside the impugned decision.

6.2 Learned counsel for the Respondent rebutted the version of the Appellant regarding 66% slowness of the impugned meter and argued that the Appellant neither followed the procedure as laid down in Chapter of the CSM-2021 nor could produce the impugned meter as material evidence before the POI to establish the alleged slowness. Learned counsel for the Respondent supported the impugned decision for cancellation of the above detection bill and revision of the same for two months and prayed for upholding the same.

7. Arguments heard and the record perused. Following are our observations;

7.1 Detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021

Reportedly, two phases of the impugned meter of the Respondent were found dead stop during checking dated 27.04.2021, therefore, a detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 was debited to the Respondent @ 66% slowness of the meter, which was challenged before the POI.

7.1 It is observed that the Appellant charged the detection bill for seven months to the Respondent on account of 66% slowness of the impugned meter, which is contrary to Clause 4.3.3c(ii) of the CSM-2021. Said clause being relevant in the instant case





National Electric Power Regulatory Authority

is reproduced below:

"4.3.3 (c) If the impugned metering installation should prove to be incorrect during the above checking(s), LESCO shall install a "correct meter" immediately or within two billing cycles if meters are not available.

- (i) In case slowness is established, LESCO shall enhance multiplying factor for charging actual consumption till the replacement of the defective metering installation.*
- (ii) Further, charging of a bill for the quantum of energy lost if any, because of malfunctioning of metering installation shall not be more than two previous billing cycles."*

7.2 Above-referred clause of the CSM-2021 restricts the Appellant to charge slowness maximum for two months. Therefore, the contention of the Appellant for recovery of the detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 @ 66% slowness of the meter is not correct being inconsistent with the foregoing clause of the CSM-2021 and the above detection bill is set aside.

7.3 Since the discrepancy of 66% slowness in the impugned metering equipment was observed on 27.04.2021, therefore the Respondent is liable to charge the revised detection bill maximum for two months i.e. February 2021 and March 2021 @ 66% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021. Moreover, the bills w.e.f April 2021 and onwards till the replacement of the impugned meters of the Respondent be revised with enhanced multiplication factor to account for 66% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.



M. Sa



National Electric Power Regulatory Authority

8. Summing up the foregoing discussion, it is concluded that;


8.1 The detection bill of Rs.2,338,099/- against 93,718 units+406 kW MDI for seven (07) months for the period from December 2020 to June 2021 charged @ 66% slowness of the meter is unjustified being contrary to Clause 4.3.3c(ii) of the CSM-2021.

8.2 The revised detection bill be charged maximum for two months i.e. February 2021 and March 2021 to the Respondent @ 66% slowness of the meter as per Clause 4.3.3c(ii) of the CSM-2021

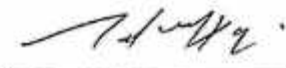
8.3 The bills w.e.f April 2021 and onwards till the replacement of the impugned meters of the Respondent be revised with enhanced multiplication factor to account for 66% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021

8.4 The billing account of the Respondent be overhauled after adjusting payments made against the above detection bills.

9. Impugned decision is modified in the above terms.


Abid Hussain
Member


Naweed Illahi Sheikh
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 10-08-2023

