



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

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No. NEPRA/Appeal/022/2025/ 877


September 24, 2025

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| 1. Faheem Ahmad Usmani,
S/o. Zafar Iqbal Usmani,
R/o. 150-G, Fazaia Housing Society,
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
Cell No. 0300-4350899
0333-4350899 | 4. Assistant Manager (Operation),
LESCO Ltd,
Jia Bagga Sub Division,
Lahore |
| 5. POI/Electric Inspector,
Lahore Region-II,
Energy Department, Govt. of Punjab,
342-B, Near Allah Hoo Chowk,
Johar Town, Lahore
Phone No. 042-99333968 | |

Subject: **Appeal No.022/2025 (LESCO vs. Faheem Ahmed Usmani) Against the Decision Dated 11.12.2024 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-II, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 24.09.2025 (04 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.022/POI-2025

Lahore Electric Supply Company Limited

.....Appellant

Versus

Faheem Ahmed Usmani S/o. Zafar Iqbal Usmani,
R/o. 150-G, Fazaia Housing Society, Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

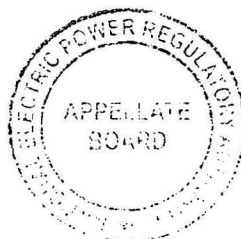
For the Respondent:

Nemo

DECISION

1. As per the facts of the case, Faheem Ahmed Usmani (hereinafter referred to as the "Respondent") is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.03-11222-0410102-U having sanctioned load of 5 kW and the applicable tariff category is A-1(b). The billing meter of the Respondent was found defective in June 2023; therefore, the Appellant fed DEF-EST code w.e.f June 2023 and onwards till the replacement of the impugned meter. Later on, the impugned meter of the Respondent was replaced with a new meter by the Appellant in March 2024.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") on 31.05.2024 and challenged the bills for the period from June 2023 to March 2024. The complaint of the Respondent was disposed of by the POI vide decision dated 11.12.2024, wherein the bills for the period from January 2024 to March 2024 were cancelled and the Appellant was directed to revise the same on the basis of consumption recorded by the new meter. As per the POI

Appeal No.022/POI-2025



Page 1 of 4

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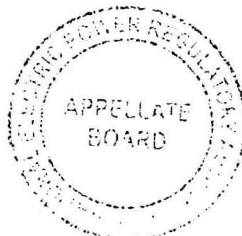
National Electric Power Regulatory Authority

decision, the Appellant was further directed to overhaul the billing account of the Respondent, accordingly.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 11.12.2024 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the impugned decision is against the law and facts of the case; that the POI misconceived and misconstrued the real facts of the case and erred in declaring the bills for the period from January 2024 to March 2024 as null and void; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of Electricity Act 1910; that the POI has failed to appreciate that the complaint could not be entertained as no notice as required u/s 26(6) of Electricity Act, 1910 was ever served upon the Appellants before filing the same and that the impugned decision is liable to be set aside.
4. Notice dated 18.02.2025 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however, were not filed.
5. Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 12.06.2025, wherein learned counsel appeared for the Appellant and the Respondent did not tender appearance. Learned counsel for the Appellant contended that the billing meter of the Respondent was found defective in June 2023; therefore, the bills w.e.f June 2023 and onwards till the replacement of the impugned meter. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the bills for the period from January 2024 to March 2024 as null and void and revised the same as per actual meter reading. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.
6. Having heard the arguments and the record perused. Following are our observations:

6.1 Objection regarding the time limit for POI to decide the complaint:

As per the record, the Respondent filed his complaint before the POI on 31.05.2024 under Section 38 of the NEPRA Act. POI pronounced its decision on 11.12.2024, i.e., after 90 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under Section 26(6) of the NEPRA Act, 1910. In this regard, it is observed that the forum of POI has been established under Section 38 of the NEPRA Act, which does not put a restriction of 90 days on POI to decide complaints. Section 38 of the



11.02



National Electric Power Regulatory Authority

NEPRA Act overrides provisions of the Electricity Act of 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court reported in *PLJ 2017-Lahore-627* and *PLJ-2017-Lahore-309*. The relevant excerpt of the above judgments is reproduced below:

“PLJ 2017-Lahore-627:

Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997-

-838(3)--Electricity Act, 1910, S. 26(6)--Constitution of Pakistan, 1973. Art. 199--Constitutional petition--Consumer of LESCO.. The sanctioned load was differed with the connected load--Determine the difference of charges of the previous period of misuse to be recovered from the consumer--Validity--No disconnection or penal action was taken against the petitioner rather only the difference of charges between the sanctioned load and load actually used by petitioner was charged, hence Clause 7.5 of Consumer Service Manual has not been violated-Issuance of detection bill itself amounts to notice and petitioner had also availed remedy before POI against determination--Order passed by POI was beyond 90 days--Order was not passed by the respondent under Section 26(6) of the Act as Electric Inspector rather the order was passed by him in the capacity of POI under Section 38(3) of Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (NEPRA Act), therefore, the argument has no substance.

PLJ-2017-Lahore-309:

The learned counsel for the petitioner submitted that there was an outer time limit of 90 days for a decision by the Electric Inspector which has not been observed and which rendered the decision of the Electric Inspector a nullity. This submission of the learned counsel has been dealt with by the Appellate Board and, in any case, is fallacious. The short and simple answer rendered by the Appellate Board was that the decision was made under Section 38 of the Act, 1997, and not in terms of Section 26 of the Electricity Act, 1910. Therefore, the outer time limit of 90 days was inapplicable.”

Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

6.2 Objection regarding prior notice before filing the complaint before the POI:

As regards another objection of the Appellant for not issuing notice as per the 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 Section 38 of 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 the Appellant is not valid and, therefore, overruled.

6.3 Bills for the period from June 2023 to March 2024:

The Respondent challenged the bills for the period from June 2023 to March 2024 before the





National Electric Power Regulatory Authority

POI, who vide impugned decision revised the bills for the period from January 2024 to March 2024. Against which subject appeal has been filed by the Appellant before NEPRA.

6.4 It is an admitted fact that the impugned meter became defective in June 2023; therefore, the bills for the period from June 2023 to February 2024 were charged on estimated basis. The Respondent was of the view that the impugned meter was replaced in December 2023, whereas MCO was fed in March 2024, which resulted in excessive billing. However, the Respondent neither submitted reply nor attended the hearing to substantiate his stance. On the other hand, the Appellant did not even provide MCO for verification of the replacement of the impugned meter. PITC data as provided by the Appellant shows that the impugned meter remained defective till January 2024, therefore it shows active status. Under these circumstances, we are of the view that the bills w.e.f June 2023 and onwards till the replacement of the impugned meter i.e. January 2024 be revised on DFE-EST code, and the onwards bills w.e.f the date of installation of the new meter i.e. January 2024 till March 2024 be revised as per the actual reading of the new meter.

6.5 The billing account of the Respondent may be overhauled after making adjustments of the payments made against the above bills.

7. The impugned decision is modified in the above terms.

Abid Hussain
Member/Advisor (CAD)

Naweed Illahi Sheikh
Convener/DG (CAD)

Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 24-09-2025

