



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

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No. NEPRA/Appeal/056/2025/ 750

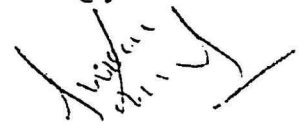
August 15, 2025

1. Dr. Qaisar Rafique,
S/o. Muhammad Rafique Hasrat,
R/o. AFOHS Club, PAF Falcon Complex,
Gulberg-III, Lahore
Phone No. 042-35925318-19
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,
Liberty Sub Division,
Lahore
5. PO/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.056/2025 (LESCO vs. Dr. Qaisar Rafique) Against the Decision Dated 02.04.2024 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 15.08.2025 (05. 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.056/POI-2025

Lahore Electric Supply Company Limited

.....Appellant

Versus

Dr. Qaiser Rafique S/o. Muhammad Rafique Hasrat,
R/o. AFOHS Club, Falcon Complex, Kalama Chowk,
Gulberg, Lahore

.....Respondent

APPEAL U/S 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:

Ch. Sarfaraz Ahmed

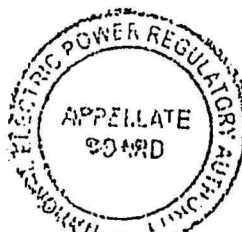
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 02.04.2024 of the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Dr. Qaiser Rafique (hereinafter referred to as the "Respondent") is a general supply consumer of the Appellant bearing Ref No.44-11516-0018686-U with a sanctioned load of 15 kW and the applicable Tariff category is A-3. Reportedly, the display of the billing meter of the Respondent was found vanished, hence it was replaced with a new meter by the Appellant vide MCO dated 28.07.2021. Subsequently, the removed meter of the Respondent was checked by the Metering & Testing ("M&T") team of the Appellant, wherein 2,137 units were found uncharged. Resultantly, a detection bill of Rs.87,912/- against 2,137 units was debited to the Respondent and added to the bill for March 2023.

Appeal No.056/POI-2025

Page 1 of 5

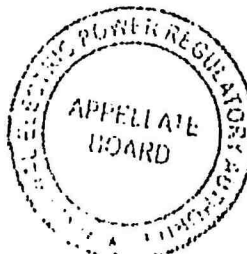
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National Electric Power Regulatory Authority

3. Being aggrieved, the Respondent filed a complaint before the POI on 27.04.2023 and assailed the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 02.04.2024, wherein the detection bill of Rs.87,912/- for 2,137 units was cancelled.
4. The Appellant filed instant appeal before the NEPRA against the afore-referred decision of the POI, which was registered as Appeal No.056/POI-2025. In its appeal, the Appellant objected to the maintainability of the impugned decision, *inter alia*, on the main grounds that the impugned decision is against the facts and law of the case; that the impugned meter was replaced in July 2021 and subsequently checked by the M&T team, wherein 2,137 units were found pending; that the detection bill of Rs.87,912/- for 2,137 units was charged to the Respondent in March 2023, which was challenged before the POI; that the said forum neither considered the feedback report nor perused the consumption data in true perspective; that Clause 4.3.2(d) of the CSM-2021 cannot be made applicable in the instant case; that the POI decided the matter after expiry of 90 days, which is violative of Section 26(6) of the Electricity Act, 1910; that the POI failed to appreciate that the complaint could not be entertained as no notice as required under Section 26(6) of the Electricity Act, 1910 was ever served upon the Appellant before filing the same; and that the impugned decision is liable to be set aside.
5. Upon the filing of the instant appeal, a notice dated 30.04.2025 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however, were not filed.
6. Hearing was conducted at NEPRA Regional Office Lahore on 13.06.2025, which was attended by both parties. Learned counsel for the Appellant contended that the display of the impugned billing meter of the Respondent was found defective, therefore, it was replaced with a new meter in July 2021 and sent for data retrieval. Learned counsel for the Appellant further contended that M&T vide feed report found 2,137 pending units; therefore, a detection bill amounting to Rs.87,912/- against 2,137 units was debited to the Respondent in March 2023 to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, the above detection bill was cancelled by the POI without perusing the documentary evidence. Learned counsel for the Appellant finally prayed that





National Electric Power Regulatory Authority

the impugned decision is liable to be set aside. On the contrary, the representative for the Respondent repudiated the version of the Appellant and averred that the impugned meter became defective in July 2021, and it was replaced in the same month. The representative for the Respondent contended that the Appellant subsequently debited the aforesaid detection bill in March 2023 after a lapse of more than one year, which was disputed before the POI. As per the representative for the Respondent, the consumer's account shall not be liable to any adjustment if the data is not retrieved within three months as per Clause 4.3.2(d) of the CSM-2021. The representative for the Respondent finally supported the impugned decision for cancellation of the impugned detection bill and prayed for dismissal of the appeal.

7. Arguments were heard and the record was perused. Following are our observations:

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

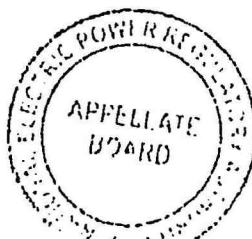
As per the record, the Respondent filed his complaint before the POI on 27.04.2023 under Section 38 of the NEPRA Act. POI pronounced its decision on 02.04.2024, i.e. after 90 days of receipt of the complaint. The Appellant has objected that the POI was bound to decide the matter within 90 days under 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 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

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National Electric Power Regulatory Authority

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."

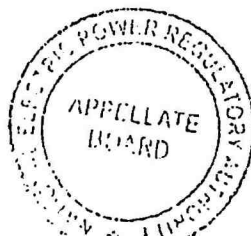
Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

7.2 Detection bill of Rs.87,912/- against 2,137 units charged in March 2024:

In the instant case, the Appellant claimed that the display of the impugned meter became defective in July 2021, and it was replaced with a new meter vide MCO dated 28.07.2021. During subsequent M&T checking, the display of the impugned meter of the Respondent and 2,137 units were found uncharged. Therefore, the Appellant debited a detection bill of Rs.87,912/- against 2,137 units to the Respondent in March 2023, which is under dispute.

7.3 It is observed that the Appellant charged the above detection bill based on the data retrieval report, but the said checking was neither carried out in the presence of the Respondent, nor was the impugned meter checked by the POI, being a competent forum. It is further observed that the display of the impugned meter became defective in July 2021, and it was replaced with a new meter by the Appellant on 28.07.2021. However, the data of the impugned meter was retrieved in March 2023 after a lapse of more than one year, based on which the above detection bill was debited to the Respondent. As per Clause 4.3.2(d) of the CSM-2021, the data of the meter with vanished display be retrieved within three months; however, in the instant case, the Appellant violated the afore-referred clause of the CSM-2021. Even Clause 12 of the clarification dated 26.03.2021 rendered in the revised CSM-2021 allows the Appellant for recovery within one year from the date of discrepancy; however, the impugned detection bill was debited by the Appellant in violation of the above-referred clause of the clarification dated 26.03.2021 rendered in the revised CSM-2021. Even otherwise, the bill

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National Electric Power Regulatory Authority

charged for July 2021 against 10,639 units is higher than the consumption of the corresponding month of the previous year, as such, there is no justification to debit further bill for the said month.

7.4 In view of the foregoing discussion, it is concluded that the detection bill of Rs.87,912/- against 2,137 units charged based on the feedback report of M&T is illegal, unjustified and the same is cancelled as already decided by the POI.

8. Forgoing in view, the appeal is dismissed.

Abid Hussain
Member/Advisor (CAD)

Dated: 15-08-2025

Naweed Illahi Sheikh
Convener/DG (CAD)

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

