



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: ikramshakeel@nepra.org.pk

No. NEPRA/Appeal/070/2025/ 1140

November 11, 2025

1. Ch. Shahid Pervaiz,
S/o. Ch. Muhammad Ashraf,
R/o. House No. 19-1,
Mohallah Devoin Garden,
Main Airport Road, Lahore Cantt,
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

4. Assistant Manager (Operation),
LESCO Ltd,
Wahga Sub Division,
Lahore
Cell No. 0370-4991316

5. POI/Electric Inspector
Lahore Region-I, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: **Appeal No.070/2025 (LESCO vs. Ch. Shahid Pervaiz) Against the Decision Dated 28.01.2025 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-I, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 11.11.2025 (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.070/POI-2025

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ch. Shahid Pervaiz, S/o. Ch. Muhammad Ashraf,
R/o. House No. 19-1, Mohallah Devoin Garden,
Main Airport Road, Lahore Cantt, 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
Mr. Muhammad Saghir Ahmad SDO

For the Respondent:

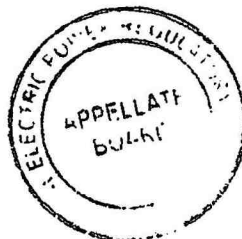
Nemo

DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 28.01.2025 of the Provincial Office of Inspection, Lahore Region-I, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. As per the facts of the case, Ch. Shahid Pervaiz (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.46-11311-2037821-U with a sanctioned load of 24 kW and the applicable Tariff category is B-1(b). During the M&T checking dated 30.04.2024 of the Appellant, the impugned billing meter of the Respondent was found 66% slow due to two dead phases being dead. The impugned meter of the Respondent was replaced with a new meter by the Appellant in April 2024. Therefore, a detection bill of Rs.952,228/- for 14,437 units for three months, i.e., January 2024 to March 2024, was charged to the Respondent @ 66% slowness of the meter and added to the bill for June 2024.

Appeal No.070/POI-2025

Page 1 of 5

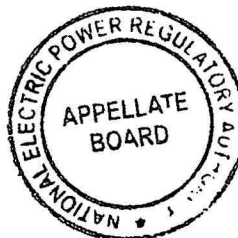


Handwritten signature or mark.



National Electric Power Regulatory Authority

3. Being aggrieved, the Respondent filed a complaint before the POI on 29.07.2024 against the above detection bill. POI vide ex parte decision dated 28.01.2025 cancelled the detection bill of Rs.952,228/- charged in June 2024.
4. The Appellant filed instant appeal before the NEPRA against the afore-referred decision of the POI (the "impugned decision"), which was registered as Appeal No.070/POI-2025. In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the following grounds that the impugned ex-parte decision is against the law and facts of the case; that the impugned ex-parte decision is sketchy, patchy and non-speaking, that the POI miserably failed to follow the proper procedure while passing the impugned decision; that it is a settled principle of law that no one should be condemned unheard and causes are to be resolved based on cogent reason after giving opportunity of equal hearing to both parties; that the POI failed to decide the matter within 90 days, which is violative of Section 26(6) of Electricity Act 1910; that the impugned decision is illegal, unlawful, without jurisdiction, biased and based on surmises and conjectures and that the same is liable to be set aside.
5. Notice dated 07.05.2025 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however, were not filed.
6. Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 16.08.2025, wherein learned counsel appeared for the Appellant and none represented the Respondent. Learned counsel for the Appellant contended that two phases of the billing meter of the Respondent were found defective on 30.04.2024; therefore, a detection bill of Rs.952,228/- for 14,437 units for three months, i.e., January 2024 to March 2024, was charged to the Respondent to recover the revenue loss sustained by the Appellant. As per learned counsel for the Appellant, actual consumption could not be charged during the disputed period; therefore above detection bill charged to the Respondent is justified and payable by the Respondent. Learned counsel for the Appellant argued that the POI did not consider the real aspects of the case and erroneously declared the above detection bill as null and void. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.
7. Having heard the arguments and the record perused. Following are our observations:
 - i. While addressing the objection of the Appellant regarding the jurisdiction of the POI, the



M. Q.

Respondent filed his complaint before the POI on 29.07.2024 under Section 38 of the NEPRA Act. POI pronounced its decision on 28.01.2025, i.e., after ninety (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 Electricity 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, 1910. Reliance in this regard is placed on the judgments of the honorable Lahore High Court, Lahore 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:

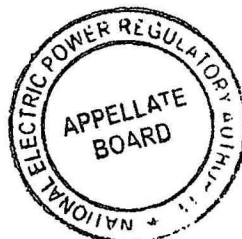
Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997--838(3)--Electricity Act, 1910, S. 26(6)--Constitution of Pakistan, 1973. Art. 199--Constitutional petition--Consumer of LESCO.. The sanctioned load was differed with the connected load--Determine the difference of charges of the previous period of misuse to be recovered from the consumer--Validity--No disconnection or penal action was taken against petitioner rather only difference of charges between 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.

- ii. The Respondent approached the POI and assailed the detection bill of Rs.952,228/- for 14,437 units for three months, i.e., January 2024 to March 2024, charged by the Appellant due to 66% slowness of the meter as observed on 30.04.2024, which was cancelled by the lower forum vide ex parte decision.
- iii. It is observed that the Appellant debited the detection bill of Rs.952,228/- for 14,437 units for



three months, i.e., January 2024 to March 2024, on account of 66% slowness of the meter, which is contrary to Clause 4.3.3c(ii) of the CSM-2021. As per the said clause of the CSM-2021, the Appellant may charge the detection bill maximum for two months in case of a slow meter.

- iv. To further verify the contention of the Appellant, the consumption data of the Respondent is analyzed in the table below:

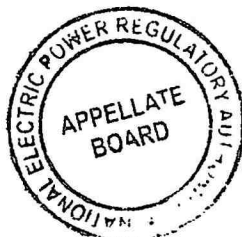
Month	Units	Month	Units	Month	Units
Jan-23	1298	Jan-24	2373	Jan-25	2295
Feb-23	2740	Feb-24	1833	Feb-25	2312
Mar-23	1581	Mar-24	2760	Mar-25	1680
Apr-23	1951	Apr-24	1270	Apr-25	1489
May-23	2414	May-24	3520	May-25	2331
Jun-23	2808	Jun-24	3252	Jun-25	3001
Jul-23	2161	Jul-24	3357	Jul-25	3878
Aug-23	3459	Aug-24	3050	Aug-25	4177
Sep-23	2785	Sep-24	2449	Sep-25	4216
Oct-23	2712	Oct-24	2871		
Nov-23	2061	Nov-24	1681		
Dec-23	1953	Dec-24	2151		
Average	2327	Average	2547	Average	2820

As evident from the above table, the impugned meter recorded healthy consumption in March 2024 as compared to the consumption of corresponding months of the years 2023 and 2025; however, its consumption drastically declined in the month of April 2024. This indicates that the impugned meter was functioning correctly till March 2024, and it became 66% slow in April 2024. Hence, the detection bill of Rs.952,228/- for 14,437 units for three months, i.e., January 2024 to March 2024, charged by the Appellant @ 66% slowness of the meter, is unjustified and the same is liable to be cancelled, which is also the determination of the POI.

- v. Since the impugned meter of the Respondent was found 66% slow on 30.04.2024, and the same was replaced in the same month. Therefore, the bill w.e.f the checking dated 30.04.2024 and onwards till the replacement of the impugned meter be revised by raising MF due to 66% slowness of the meter, pursuant to Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.

8. In view of what has been stated above, it is concluded that:

- i. The detection bill of Rs.952,228/- for 14,437 units for three months, i.e., January 2024 to March 2024, charged to the Respondent @ 66% slowness of the meter, is unjustified and the



u.
6



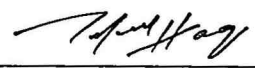
National Electric Power Regulatory Authority

same is cancelled.

- ii. The Respondent may be charged the revised bill by raising MF due to 66% slowness of the meter w.e.f April 2024 and onwards till the replacement of the impugned meters pursuant to Clause 4.3.3c(i) of the CSM-2021.
 - iii. The billing account of the Respondent be overhauled accordingly.
9. The impugned decision is modified in the above terms.


Abid Hussain
Member/Advisor (CAD)


Naveed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 11-11-2025

