



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

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No. NEPRA/Appeal/104/2024/472

May 22, 2025

- |  |   |
|--|---|
| 1. Muhammad Awais Siraj,<br>S/o. Siraj,<br>R/o. House No. 186/2-B,<br>Mohallah Purana Dhobi Ghaat,<br>Chah Miran, Lahore                                   | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore             |
| 3. Saeed Ahmed Bhatti,<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore<br>Cell No. 0300-4350899                                   | 4. Assistant Manager (Operation),<br>LESCO Ltd,<br>Chah Miran Sub Division,<br>Lahore |
| 5. POI/Electric Inspector<br>Lahore Region-I, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore |   |

Subject: **Appeal No.104/2024 (LESCO vs. Muhammad Awais Siraj) Against the Decision Dated 13.08.2024 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 22.05.2025 (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.104/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Awais Siraj S/o. Siraj,  
R/o. House No.186/2-B, Mohallah Purana Dhobi Ghaat,  
Chah Miran, 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:

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## **DECISION**

1. As per the facts of the case, Muhammad Awais Siraj (hereinafter referred to as the "Respondent") is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.46-11153-0274000-U having sanctioned load of 03 kW and the applicable tariff category is B-1. During M&T checking dated 10.12.2021 of the Appellant, the billing meter was found 33% slow due to the yellow phase being dead, therefore, a detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 (6 months) was charged to the Respondent in December 2021.
2. Being aggrieved, the Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-I, Lahore (hereinafter referred to as the "POI") on 05.01.2024 and challenged the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 13.08.2024, wherein the detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 was cancelled and the Appellant was allowed to charge (i) the revised bills for October 2021 and November 2021 on DEF-EST code and (ii)



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the bills w.e.f December 2021 and onwards till the replacement of the impugned meter after adding 33% slowness of the impugned meter.

3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 13.08.2024 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 detection bill of Rs.390,392/- as null and void; that Clause 4.3.3c(ii) of the CSM-2021 could not be made applicable in the instant case; that the POI miserably failed to analyze the consumption data in true perspective; 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 21.10.2024 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 10.01.2025, wherein learned counsel appeared for the Appellant and the Respondent did not tender appearance. Learned counsel for the Appellant contended that one phase of the billing meter of the Respondent was found defective on 10.12.2021, therefore, the detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 was charged to the Respondent to account for 33% slowness of the meter. 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 and revised the bills for October 2021 and November 2021 on DEF-EST code and the bills w.e.f December 2021 and onward @ 33% slowness of the meter. Learned counsel for the Appellant prayed that the impugned decision is unjustified and liable to be struck down.
6. Having heard the arguments and 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 05.01.2024 under Section 38 of the NEPRA Act. POI pronounced its decision on 13.08.2024 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



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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 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.





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**6.3 Detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021:**

As per the available record, one phase of the billing meter of the Respondent was found defective during checking dated 10.12.2021, therefore, a detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 was debited to the Respondent, which was assailed by him before the POI.

6.4 The Appellant debited the impugned detection bill for six months due to 33% slowness of the impugned meter, which is violative of Clause 4.3.3c(ii) of the CSM-2021. Said clause of the CSM-2021 restricts the Appellant to debit the detection bill maximum for two months in case of a slow meter. The honorable NEPRA Authority vide order dated 13.06.2024 also retained the period of supplementary/detection bill for two billing cycles in case of the slowness of the metering equipment/defective CTs as mentioned in Clause 4.4(e) of CSM- 2010 (existing Clause 4.3.3 of CSM-2021), the operative portion of which is reproduced below:

*"For the reasons stated above, we reject the proposal of the distribution companies and retain the period of the supplementary bills for two (02) billing cycles in the case of the slowness of the metering installation/defective CTs as mentioned in clause 4.4(e) of CSM-2010 (existing clause 4.3 of CSM-2021). In a vigilant system, slowness of the metering installation should be detected timely, hence the distribution companies must bring efficiency in their working and replace the slow meters/defective CTs within the stipulated period as provided in clause 4.3 of the CSM-2021 in true letter and spirit. The distribution companies should ensure the charging of supplementary bills maximum for two billing cycles. If in the cases where the slowness of the metering installation is not pointed out timely and the metering installation is not replaced within maximum period of two (02) billing cycles, the competent authority of the relevant distribution company shall take disciplinary action against the concerned officials and fix the responsibility for negligence in such cases."*

6.5 In light of the foregoing order of the Authority, we are of the considered view that charging of the detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 to the Respondent is unjustified, and the same is cancelled. The impugned decision is liable to be maintained to this extent.

6.6 33% slowness in the impugned meter of the Respondent was observed on 10.12.2021, hence the Respondent is liable to be charged the detection bill for two billing cycles retrospectively before checking dated 10.12.2021 after adding 33% slowness of the impugned meter, pursuant to Clause 4.3.3c(ii) of the CSM-2021 and the bills w.e.f checking dated 10.12.2021 and onwards till the replacement of the impugned meter by raising MF due to 33% slowness of the

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meter, pursuant to Clause 4.3.3c(i) of the CSM-2021. The impugned decision is liable to be modified to this extent.

7. In view of what has been stated above, we reached the conclusion that:

7.1 Detection bill of Rs.390,392/- for 13,981 units for the period from May 2021 to October 2021 is unjustified being inconsistent with Clause 4.3.3c(ii) of the CSM-2021 and cancelled as already determined by the POI.

7.2 The Respondent may be charged the revised detection bill for two months before checking dated 10.12.2021 of the Appellant @ 33% slowness of the impugned meter as per Clause 4.3.3c(ii) of the CSM-2021 and the bills w.e.f checking dated 10.12.2021 and onwards till the replacement of the impugned meter by enhancing MF due to 33% slowness of the meter as per Clause 4.3.3c(i) of the CSM-2021.

7.3 The billing account of the Respondent may be overhauled after adjustment of payments made against the impugned detection bills.

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

Abid Hussain  
Member/Advisor (CAD)

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

Naweed Illahi Sheikh  
Convener/DG (CAD)

Dated: 22-05-2025

