



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

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No. NEPRA/Appeal/125/2024/ 753

August 15, 2025

- |   |  |
|---|--|
| 1. Muhammad Ali Jhajha,<br>R/o. Bakka Jhajha, Basirpur,<br>Tehsil Depalpur, District Okara  | 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<br>0333-4350899                                | 4. Deputy Manager (Operation),<br>LESCO Ltd,<br>Hujra Division, 132-KV Grid Station,<br>Hujra Shah Muqem, District Okara<br>Phone No. 044-4862234-35                   |
| 5. Assistant Director (Operation),<br>LESCO Ltd,<br>Basirpur Sub Division,<br>132-KV Grid Station, Basirpur,<br>District Okara<br>Cell No. 0370-4991463<br>0307-4859332 | 6. POI/Electric Inspector,<br>Lahore Region-II,<br>Energy Department, Govt. of Punjab,<br>342-B, Near Allah Hoo Chowk,<br>Johar Town, Lahore<br>Phone No. 042-99333968 |

Subject: **Appeal No.125/2024 (LESCO vs. Muhammad Ali Jhajha) Against the Decision Dated 09.309.2024 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 (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.125/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Ali Jhajha, R/o. Bakka Jhajha Basirpur,  
Tehsil Depalpur, District Okara

.....Respondent

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

For the Appellant:

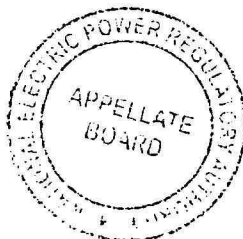
Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

### **DECISION**

1. As per the facts of the case, Mr. Muhammad Ali Jhajha (hereinafter referred to as the "Respondent") is an agricultural consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.45-11463-1419422 having a sanctioned load of 5.59 kW and the applicable tariff category is D-2(b). The Respondent filed a complaint before the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") on 01.11.2023 and challenged the bills for August 2023 and September 2023 with the plea that excessive billing was done by the Appellant. During joint checking dated 22.04.2024, the impugned meter of the Respondent was found dead stop with vanished display, checking report was signed by both parties without raising any objection. The complaint of the Respondent was disposed of by the POI vide decision dated 09.09.2024, wherein it was held that the bills for the period from August 2023 to March 2024 along with LPS are void, unjustified and of no legal effect and the Appellant is directed to afford credit of 9,696 units to the Respondent as per data retrieval report.
2. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 09.09.2024 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 POI misconceived and misconstrued the real facts of the case, documents, consumption data and law applicable on the subject and erred in holding that the impugned bills from August 2023 to March 2023 are void; that the Respondent was afforded



Mr. Saeed



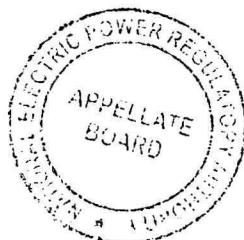
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credit of 9,696 units; that the POI afforded relief beyond the prayer of the Respondent and failed to follow the procedure under the law; that the impugned decision is result of misreading and nonreading of documents/consumption data placed on record; that the impugned decision is ex facie, coram non judice as the same was rendered after 90 days, which is violative of Section 26(6) of Electricity Act 1910; and that the impugned decision is liable to be set aside.

3. Notice dated 10.12.2024 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however, were not filed.
4. Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 25.04.2025, wherein learned counsel tendered appearance for the Appellant and none represented the Respondent. Learned counsel for the Appellant contended that the Respondent challenged the bills for August 2023 and September 2023, whereas the POI cancelled the bills for the period from August 2023 to March 2024, which is beyond the prayer of the Respondent. Learned counsel for the Appellant further contended that the bills for the period from August 2023 to March 2024 are justified and payable by the Respondent. In support of his contention, learned counsel for the Appellant has no documents. In this regard, a letter dated 03.07.2024 was written to the Appellant for the submission of documents i.e. checking report, PITC record, MCO and feedback report of M&T. The Appellant subsequently submitted PITC data for the period from November 2012 to April 2025.
5. Having heard the arguments and the record perused. Following are our observations:
  - 5.1 While addressing the objection of the Appellant regarding the jurisdiction of the POI, the Respondent filed his complaint before the POI on 01.11.2023 under Section 38 of the NEPRA Act. POI pronounced its decision on 09.09.2024 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*



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*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, argument has no substance.*

PLJ-2017-Lahore-309:

*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."*

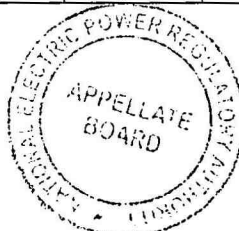
Keeping in view the overriding effect of the NEPRA Act on the Electricity Act, 1910, and the above-referred decisions of the honorable High Court, the objection of the Appellant is dismissed.

5.2 As per the available record, the billing meter of the Respondent was found defective in August 2023 and the same was subsequently replaced with a new meter in June 2024. During the proceedings before the POI, joint checking was carried out on 22.04.2024, wherein the impugned meter was found dead stop with vanished display. The POI vide impugned decision afforded credit of 9,696 units being excessively charged during the period from August 2023 to March 2024 against which the Appellant preferred subject appeal before the NEPRA.

5.3 Since the Appellant did not submit the requisite documents, i.e., checking report, MCO, and feedback report, despite repeated reminders. Under these circumstances, we have to rely upon the consumption data of the Respondent as provided by the Appellant to verify the authenticity of the impugned bills for August 2023 and September 2023, which is given below:

Month	Units	Month	Units	Month	Units
Jul-22	1644	Jul-23	2816	Jul-24	3753
Aug-22	3357	Aug-23	7534	Aug-24	2299
Sep-22	767	Sep-23	2059	Sep-24	1201
Oct-22	903	Oct-23	232	Oct-24	520
Nov-22	1327	Nov-23	133	Nov-24	925
Dec-22	2510	Dec-23	1183	Dec-24	613
Jan-23	2448	Jan-24	783	Jan-25	334
Feb-23	557	Feb-24	557	Feb-25	287
Mar-23	719	Mar-24	1921	Mar-25	1098

*M. A.*





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Apr-23	1383	Apr-24	2392	Apr-25	1588
May-23	1642	May-24	2475	May-25	1397
Jun-23	2666	Jun-24	2677	Jun-25	950
<b>Total</b>	<b>19923</b>	<b>Total</b>	<b>24762</b>	<b>Total</b>	<b>14965</b>

Perusal of the above consumption data revealed that the Respondent was billed on the higher side during the disputed months as compared to the consumption of periods before and after the dispute. According to Clause 4.3.1(b) of the CSM-2021, the Respondent is liable to be charged the bills as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher in case of a defective meter. However, the Appellant failed to adhere to the ibid clause of the CSM-2021 while charging the impugned bills for August 2023 and September 2023.

6. In view of the foregoing discussion, it is concluded that the bills for August 2023 and September 2023 along with LPS, are unjustified and the same are cancelled as already decided by the POI. The Respondent may be charged the revised bill for August 2023 and September 2023 as per consumption of the corresponding month of the previous year or average consumption of the last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021. The billing account of the Respondent may be overhauled accordingly.
7. The impugned decision is modified in the above terms.

Abid Hussain  
Member/Advisor (CAD)

Dated: 15-08-2025

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

