



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

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No. NEPRA/Appeal/134/2024/ 636

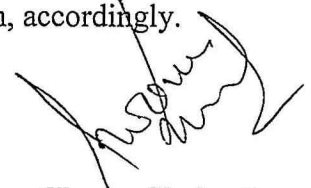
July 02, 2025

- |                                                                                                                                              |                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Muhammad Ismail,<br>S/o. Haji Jalal Din,<br>R/o. House No. 102, Street No. 4,<br>Kotha Pind, Faisal Town, Lahore<br>Cell No. 0300-6578174 | 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. Ms. Nabeela Ismail,<br>Advocate High Court,<br>Ground Floor, Khawaja Building,<br>4-A Mozang Road, Lahore<br>Cell No. 0346-7965141                                  |
| 5. Assistant Manager (Operation),<br>LESCO Ltd,<br>Faisal Town Sub Division,<br>Lahore                                                       | 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.134/2024 (LESCO vs. Muammad Ismail) Against the Decision Dated 14.10.2024 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 02.07.2025 (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 Nos.134/POI-2024

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Ismail S/o. Haji Jalal Din,  
R/o. House No.102, Street No.4,  
Kotha Pind, Faisal Town, Lahore

.....Respondent

## APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

### For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

### For the Respondent:

Mr. Muhammad Asad

## DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 14.10.2024 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 Muhammad Ismail (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.06-11511-0738602-U with a sanctioned load of 02 kW and the applicable Tariff category is A-1(a). Reportedly, the display of the billing meter of the Respondent found vanished in April 2023 hence it was replaced with a new meter by the Appellant in September 2023. Subsequently, the removed meter of the Respondent was checked by the Metering & Testing ("M&T") team of the Appellant on 28.12.2023 wherein 1,840 units were found uncharged. Resultantly, a detection bill of Rs.126,326/- against 1,840 units was debited to the Respondent and added to the bill for March 2024.

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3. Being aggrieved, the Respondent filed a complaint before the POI on 10.05.2024 and assailed the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 14.10.2024, wherein the detection bill of Rs.126,326/- for 1,840 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.134/POI-2024. 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 September 2023 and subsequently checked by the M&T team on 28.12.2023, wherein 1,840 units were found pending; that the detection bill of Rs.126,326/- for 1,840 units was charged to the Respondent in March 2024, 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 30.12.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 30.01.2025. In the reply, the Respondent rebutted the version of the Appellant regarding charging the impugned detection bill of 1,840 units *inter alia on the main grounds* that entire proceedings including M&T checking dated 28.12.2023 are false, fabricated, and unilateral as the Appellant failed to serve prior notice as required in Clause 4.3.2 of the CSM-2021; that the POI has rightly cancelled the impugned detection bill after correct analysis of consumption data and checking report; that the POI has exclusive jurisdiction to adjudicate the instant matter and the time limit of 90 days is not applicable for the POI as per judgment of honorable Lahore High Court Lahore reported in *PLJ 2017 Lahore 627* and that the appeal be dismissed.
6. A hearing was conducted at NEPRA Regional Office Lahore on 25.01.2025, which was

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attended by both parties. Learned counsel for the Appellant contended that the display of the impugned billing meter of the Respondent was found defective in April 2023, therefore it was replaced with a new meter in September 2023 and sent for data retrieval. Learned counsel for the Appellant further contended that M&T vide report dated 28.12.2023 found 1,840 pending units, therefore a detection bill amounting to Rs.126,326/- against 1,840 units was debited to the Respondent 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 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 September 2023 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 2024, 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 10.05.2024 under Section 38 of the NEPRA Act. POI pronounced its decision on 14.10.2024 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-*



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*-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.

**7.2 Detection bill of Rs.126,326/- against 1,840 units charged in March 2024:**

In the instant case, the Appellant claimed that the display of the impugned meter became defective in April 2023 and it was replaced with a new meter in September 2023. During subsequent M&T checking dated 28.12.2023, the display of the impugned meter of the Respondent and 1,840 units were found uncharged. Therefore, the Appellant debited a detection bill of Rs.126,326/- against 1,840 units to the Respondent in March 2024 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 the impugned meter was checked by the POI being a competent forum. It is further observed that the display of the impugned meter became defective in April 2023 and it was replaced with a new meter by the Appellant in September 2023 after a lapse of five months, which is



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violative of Clause 4.3.2(a) of the CSM-2021. Said clause of the CSM-2021 restricts the Appellant to debit the bills maximum for two billing cycles on DEF-EST Code. Though the Appellant retrieved the data within three billing cycles as per Clause 4.3.2(d) of the CSM-2021, however, the said 1,840 units need to be verified through the consumption analysis in the below table:

Month	Units	Month	Units	Month	Units
Jan-22	337	Jan-23	239	Jan-24	232
Feb-22	277	Feb-23	222	Feb-24	243
Mar-22	304	Mar-23	265	Mar-24	260
Apr-22	393	Apr-23	393	Apr-24	325
May-22	428	May-23	428	May-24	251
Jun-22	400	Jun-23	400	Jun-24	194
Jul-22	469	Jul-23	469	Jul-24	263
Aug-22	418	Aug-23	418	Aug-24	236
Sep-22	452	Sep-23	418	Sep-24	313
Oct-22	336	Oct-23	355	Oct-24	229
Nov-22	281	Nov-23	285	Nov-24	
Dec-22	254	Dec-23	264	Dec-24	
Average	362	Average	346	Average	255

It is revealed that the normal average consumption charged during the disputed months is compatible with the normal average consumption of the corresponding months of the preceding year and slightly higher as compared to the corresponding consumption of the succeeding year. In view of the foregoing discussion, it is concluded that the detection bill of Rs.126,326/- against 1,840 units charged based on the feedback report dated 28.12.2023 of M&T is illegal, unjustified and the same is cancelled as already decided by the POI.

8. Foregoing in view, the appeal is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 02-07-2025

