



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

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No. NEPRA/Appeal/104/2020/582

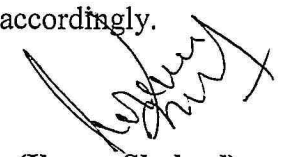
June 25, 2025

- |   |   |
|---|---|
| 1. M/s. Bahria Town (Pvt.) Ltd,<br>Through Mr. Bakhtiyawar Lal Hussain,<br>Bahria Town, Raiwind Road,<br>Lahore<br>Cell No. 0300-9422639                                | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore   |
| 3. Ch. Muhammad Ashfaq Bhullar,<br>Advocate High Court,<br>International Law Firm,<br>3-Court Street, 25-Lower Mall,<br>Lahore<br>Cell No. 0300-9479680<br>0321-9479680 | 4. Muhammad Azhar Siddique,<br>Advocate Supreme Court,<br>Ground Floor, Almas Tower,<br>Begum Salma Tasaddaq Hussain Road,<br>Near E-Plomer Building, 26-The Mall,<br>Lahore<br>Cell No. 0322-8477707 |
| 5. Executive Engineer (Operation),<br>LESCO Ltd,<br>Raiwind Division,<br>Raiwind Road, Raiwind<br>Cell No. 0370-4991220   | 6. Sub Divisional Officer (Operation),<br>LESCO Ltd,<br>Jia Bagga Sub Division,<br>Raiwind Road, Raiwind<br>Cell No. 0370-4991222   |
| 7. Revenue Officer (Customer Services),<br>LESCO Ltd,<br>Raiwind Division,<br>Raiwind Road, Raiwind   |   |

**Subject: Decision of the Appellate Board Regarding Review Petition Filed by M/s. Bahria Town (Pvt.) Ltd Against the Decision Dated 10.11.2021 of the Appellate Board in the Matter Titled "M/s. Bahria Town (Pvt.) Ltd. Vs. LESCO"**

Please find enclosed herewith the decision of the Appellate Board dated 18.06.2025 (06 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

**REVIEW PETITION FILED BY M/S. BAHRIA TOWN (PVT.) LTD UNDER THE  
NEPRA REVIEW (PROCEDURE) REGULATIONS, 2009 AGAINST THE  
DECISION DATED 10.11.2021 OF NEPRA IN APPEAL NO.104/POI-2020**

M/s. Bahria Town (Pvt) Ltd, Through its Director Services, Brig (R)  
Bakhtaywar Lal Hussain, Bahria Town, Raiwind Road, Lahore .....Petitioner

Versus

Lahore Electric Supply Company Limited .....Respondent

### **Hearing dated 01.03.2024**

For the Petitioner:

Mr. M. Azhar Saddique Advocate  
Mr. Liaquat Ali Khan GM (Coordination)  
Mr. Javed Hussain GM (O&M)  
Mr. Zahid Latif CEE  
Ms. Amna Laiqat

For the Respondent:

Ch. M. Ashfaq Bhullar Advocate

### **Hearing dated 24.03.2025**

For the Petitioner:

Mr. Javed Hussain GM (O&M)

For the Respondent:

Proxy Counsel on behalf of  
Mr. Ashfaq Bhullar Advocate

### **Hearing dated 26.04.2025**

For the Petitioner:

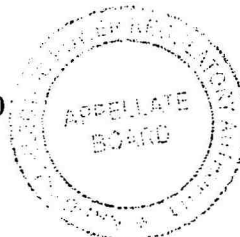
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For the Respondent:

Nemo

## **DECISION**

1. Through this decision, the review petition filed by M/s. Bahria Town (Pvt) Ltd. (hereinafter referred to as the "Petitioner") against the decision dated 10.11.2021 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. The Petitioner is a consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Respondent") having four connections, details of which are given below:



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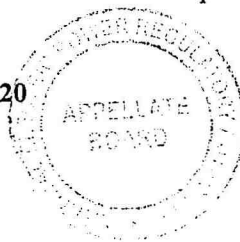




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S.No.	Connection Type	Ref No.	S/L (kW)	Tariff
1	Temporary	24-11222-3002000	400	E-1 (ii)
2	Temporary	24-11222-3001900	400	E-1 (ii)
3	Temporary	24-11222-3001200	400	E-1 (ii)
4	Temporary	24-11222-3002600	400	E-1 (ii)

3. The temporary connection of the Petitioner mentioned at serial number No.03 having Ref No.24-11222-3001200 (Old Ref No.24-11222-8010604) was installed on 26.05.2016 and the billing was continued by the Respondent on the billing meter No.2814 w.e.f June 2016 and onwards.
4. Being aggrieved with the billing process, the Petitioner filed two applications before the Provincial Office of Inspection (POI) on 12.12.2019 and 09.03.2020 and challenged the bills for the period November 2017 to June 2019. During POI checking of the metering equipment of the Petitioner on 22.01.2020 in the presence of both parties, both billing and backup meter were found within BSS limits and the readings of the disputed billing and backup meters were observed as 7,599 and 7,639 respectively. Both the applications of the Petitioner were clubbed and disposed of by the POI vide single consolidated decision dated 13.07.2020, wherein the POI directed the Respondent to afford credit of 184,480 units being excessively charged till April 2020.
5. Being dissatisfied, the Respondent filed Appeal No.104/POI-2020 before the NEPRA against the afore-referred decision of the POI. NEPRA Appellate Board vide decision dated 10.11.2021, wherein it was held that 115,300 units were excessively charged by the Respondent till April 2020 and the same be credited to the Petitioner's account.
6. The Petitioner filed instant review petition before the NEPRA on 03.12.2021 against the decision dated 10.11.2021 of the NEPRA Appellate Board (the "impugned decision"). In the review petition, the Petitioner opposed the maintainability of the impugned decision *inter alia*, on the following grounds that the impugned decision was announced after a lapse of 428 days, hence it became Coram-Non-Judice as the Authority has to decide the appeal within 60 days as per Section 38(3) of the NEPRA Act; that the bills w.e.f 26.05.2016 were impugned before the POI, hence the impugned decision of the NEPRA Appellate Board from November 2017 to April 2020 is without consideration of facts of the case; that the reading on the impugned meter as per snapshot of the bill for April 2020 was 8707, whereas the bill was issued for 9860, which proves that the Respondents have excessively charged 184480 units in excess till April 2020; and that the impugned



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decision be declared null and void and the decision dated 13.07.2020 of the POI be upheld in the interest of justice, equity, and fair play.

### 7. Hearing:

7.1 Hearings in the subject review petition were initially held at NEPRA Regional Office Lahore on 31.12.2021, 04.02.2022, 11.03.2022, 30.09.2022, 02.06.2023, 08.09.2023, and 20.01.2024, which however were adjourned on the request of either the Petitioner or the Respondent. Finally, the hearing was held at the NEPRA Regional Office Lahore on 01.03.2024, wherein both parties tendered attendance. Learned counsel for the Petitioner reiterated the same contentions as given in the review petition and contended that the bills from 26.05.2016 and onwards till April 2020 were challenged before the POI, whereas the NEPRA determined the fate of excessive billing from November 2017 to April 2020, which is incorrect. Learned counsel for the Petitioner prayed for acceptance of the review petition and for setting aside the impugned decision. On the contrary, learned counsel for the Respondent opposed the pleadings of the Petitioner and argued that the dispute of the billing from November 2017 to January 2020 was challenged before the POI but the said forum determined the fate of the entire bills since the date of installation of the impugned meter in May 2016. Learned counsel for the Respondent submitted that the NEPRA vide impugned decision has rightly analyzed the matter and the bills for the undisputed period were excluded while deciding the fate of excessive billing. Learned counsel for the Respondent finally prayed for the dismissal of the review petition being devoid of merits.

7.2 In order to further probe the scope of the review petition filed by the Petitioner, another hearing was held at NEPRA Regional Office Lahore on 24.03.2025, wherein both parties tendered appearance. The representative for the Petitioner stated that the Respondent afforded credit of approximately forty-seven (47) lac units to three disputed connections as per the impugned decision rendered by this forum. The representative for the Petitioner finally prayed for acceptance of the review petition and for credit of the remaining units excessively charged by the Respondent. On the other hand, proxy counsel for the Respondent informed that the principal counsel engaged in the instant case is out of the country to perform Umrah and he will return by the end of this week. Proxy counsel for the Respondent requested to adjourn the hearing and for fixation of the case after Eid-ul-Fitar. Therefore, the hearing was adjourned till the next date with the direction to both parties for the production of any new document or evidence in pursuance of the order dated 13.10.2023 of this forum. In this regard, hearing was held at NEPRA Regional



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Office Lahore on 26.04.2025, wherein none of the parties tendered appearance before this forum to defend their case.

8. Arguments were heard and the record was examined. Following are our observations:

8.1 The Petitioner challenged the bills for the period November 2017 to January 2020 before the POI on 09.03.2020. During the POI checking of the metering equipment of the Petitioner on 22.01.2020 in the presence of both parties, both billing and backup meter were found within BSS limits and the readings of the disputed billing and backup meters were observed as 7,599 and 7,639 respectively. The matter was disposed of by the POI vide decision dated 13.07.2020, wherein the Respondent was directed to afford credit of 184,480 units that were excessively charged till April 2020. The Respondent filed Appeal No.104/POI-2020 before the NEPRA against the decision dated 13.07.2020 of the POI. NEPRA Appellate Board vide decision dated 10.11.2021 directed the Respondent to refund 115,300 units excessively charged during the disputed period from November 2017 to April 2020.

8.2 Through this review petition, the Petitioner opposed the impugned decision and prayed for modification of the same with the plea that the NEPRA restricted its determination for the bills from November 2017 to April 2020 instead of the entire billing from May 2016 to April 2020. But in this regard, the Petitioner could not produce any documentary evidence before us. Thus, the issue with regard to the disputed bills was duly considered and deliberated by the Appellate Board and has already been addressed in the impugned decision.

8.3 In terms of Regulation 3(2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. Said Regulation is reproduced below for the sake of convenience:

*“Any party aggrieved from any order of the Authority and who, from the discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of the record or from any other sufficient reasons, may file a motion seeking review of such order.”*

8.4 It is a well-settled principle of law which is also mentioned in Order XLVII Rule 1 of the Code of Civil Procedure, 1908 that powers of review have limited scope and can only be



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extended where there is an error apparent on the face of the record and any new evidence which was not produced at previous forum. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 10.11.2021. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

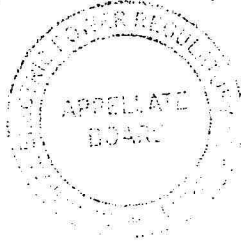
9. In view of the above, the instant review motion of the Petitioner is dismissed and the decision dated 10.11.2021 of the Appellate Board is upheld. Furthermore, the Respondent is directed to overhaul the billing account of the Petitioner and submit compliance report with this office within 30 days.

Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

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

Dated: 18-06-2025



\* My dissent note is attached.






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**My dissent note is as under:**

1. It is observed that the Respondent debited 184,480 excessive units during the period from May 2016 to January 2020. POI vide decision dated 13.07.2020 allowed all excessive units for refund/adjustment. On the appeal of the Respondent LESCO, the decision dated 13.07.2020 of the POI was modified by the Appellate Board and 115,300 excessive units were allowed for refund/adjustment.
2. From my point of view, all the excessive units have been charged by the Respondent LESCO and were paid by the Petitioner. All these excessive units as determined by the POI should have been refunded, as there is no restriction with respect to the period in the Consumer Service Manual 2021 regarding adjustment/refund of excessive units. The excessive units verified by the POI being competent forum are available on the record, therefore these units should have been adjusted by the Respondent LESCO without any complaint from the Petitioner being illegal and unjustified. As such, the Petitioner may be afforded credit of 184,480 units as determined by the POI vide decision dated 13.07.2020.

  
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Naweed Illahi Sheikh  
Convener (AB)/DG (CAD)