



Registrar

National Electric Power Regulatory Authority Islamic Republic of Pakistan

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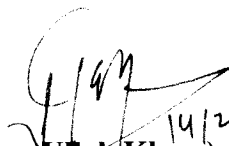
February 14, 2020

Chief Executive Officer,
Lahore Electric Supply Company (LESCO),
22-A, Queen's Road,
Lahore.

Subject: DECISION IN THE MATTER OF COMPLAINT FILED BY SAHABZADA AHMAD KHAN S/O CH. MUHAMMAD QASIM UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 REGARDING OVERBILLING BY LESCO
Complaint # LESCO-143/09/2017

Please find enclosed herewith the Order of the Member (Consumer Affairs) dated 12.02.2020 (04 Pages) regarding the subject matter for necessary action and compliance within thirty (30) days, please.

Encl: As above


(Hafeez Ullah/Khan)
Deputy Registrar

Copy to:

1. C.E/Customer Services Director,
Lahore Electric Supply Company (LESCO),
22-A, Queen's Road, Lahore.
2. Mr. Amin Mehmood,
Advisor (CAD)
NEPRA Regional Office 212, National Tower,
Opposite LDA Plaza, Edgerton Road, Lahore.
3. Sahabzada Ahmad Khan
S/o Ch. Muhammad Qasim
R/o House No. 02, Block 23/8,
Multan Road, Sodhiwal
Lahore.
Cell # 0321-8463503



BEFORE THE
NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
(NEPRA)

Complaint No. LESCO-143/09/2017

Sahabzada Ahmad Khan S/o Ch. Muhammad Qasim**Complainant**
R/o House No. 02, Block 23/8, Multan Road, Sodhiwal
Lahore.

VERSUS

Lahore Electric Supply Company (LESCO) **Respondent**
22-A, Queen's Road Lahore.

Dates of Hearing(s): February 02, 2018
December 07, 2018
July 12, 2019
October 18, 2019

On behalf of

Complainant:

Sahabzada Ahmad Khan

Respondent:

1. Mr. Kamran Naveed (XEN)
2. Mr. Saleem, (SDO)
3. Mr. Aqeel Baig (SDO)
4. Mr. Muhammad Amjad (SDO)

Subject: DECISION OF NEPRA IN THE MATTER OF COMPLAINT FILED BY SAHABZADA AHMAD KHAN S/O CH. MUHAMMAD QASIM UNDER SECTION 39 OF THE REGULATION OF GENERATION TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997, REGARDING OVERBILLING BY LESCO

DECISION

This Decision shall dispose of the complaint filed by Sahabzada Ahmad Khan (hereinafter referred to as the "Complainant") against Lahore Electricity Supply Company Limited (hereinafter referred to as the "Respondent" or "LESCO"), under Section 39 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the "NEPRA Act") in pursuance of order of President's Secretariat dated September 07, 2017.

2. Brief facts of the case are that the Complainant's meter was removed by LESCO officials in May 2014 and later on sent to M&T laboratory for data retrieval after lapse of Two (2) years. The M&T report indicated that 16028 units were not charged to the Complainant. Accordingly, a detection bill amounting to Rs. 312,690/- was issued to the Complainant. Consequently, the Complainant filed a complaint on July 25, 2016 before the Honorable Wafaqi Mohtasib against charging of the said detection bill. The Honorable Wafaqi Mohtasib decided the complaint in favor of the Complainant on August 31, 2016. Being aggrieved, LESCO filed a review before the Honorable Wafaqi Mohtasib which was declined on June 05, 2017. Subsequently, LESCO preferred a representation before the President's Secretariat. The President's Secretariat vide order dated September 07, 2017 forwarded the said representation to NEPRA for decision.

3. In order to proceed further, the matter was taken up with LESCO and the Complainant vide letter dated September 20, 2017, for submission of comments. In response, the Complainant in his comments submitted that meter readings were taken on monthly basis by the meter reader and checked by supervisor and he had been paying his bills regularly without default. The past consumption history reveals that he never consumed more than 400 units per month. The meter was changed on May 15, 2014 and all of sudden LESCO issued a bill of Rs. 312,690/- in the billing month of July 2016. On approaching LESCO, he was informed that the removed meter was sent to M&T laboratory for data retrieval on May 18, 2016 whereby it was found that 16028 units were less charged. The Complainant requested for withdrawal of the bill issued after lapse of two year of replacement of the meter.

4. In order to look into the matter a hearing was scheduled for February 02, 2018 at NEPRA Regional office Lahore. LESCO was directed vide the hearing notice to make available all the relevant record including billing history of the Complainant for last five years, copy of Meter Change Order (MCO), copy of detection bill performa, meter data retrieval report, snapshots of meter reading etc during the said hearing. The hearing was attended by both parties who advanced their arguments, however, LESCO representatives did not provide the requisite record. Moreover, LESCO officials assured to provide interim relief to the complainant by deferring the disputed amount. Another hearing was held on June 08, 2018 at the same venue. During the hearing, the LESCO officials could not provide any logical justification behind charging of detection bill. In order to cover all the aspects of the case comprehensively, another hearing was scheduled for August 04, 2018 at NEPRA Regional Office Lahore which was postponed on request of the Complainant and later, held on December 07, 2018. The said hearing was required to be attended by the Customer Services Director, Manager Commercial and concerned Superintending Engineer (Operation) LESCO, however none of the said officers attended the hearing, rather the concerned Executive Engineer (Operation) put appearance on behalf of LESCO. The LESCO representative informed that four more meters/connections are also installed at the same premises. Therefore consumption history of all the connections was required to arrive at an informed decision. Accordingly, LESCO was directed to provide billing statement of all meters/connections installed at the Complainant's premises for the last five years. In response, LESCO, after lapse of a considerable time, submitted partial information vide letter dated June 24, 2019. The matter was again discussed in the hearing held on July 12, 2019 at NEPRA Regional Office Lahore. In order to arrive at an informed decision, LESCO was directed to conduct site inspection/load verification and no discrepancy w.r.t load was intimated by LESCO. Finally, a hearing was held on October 18, 2019 at NEPRA Regional Office Lahore wherein the matter was discussed in detail in presence of both the parties and LESCO provided the complete details of the case.

5. The case has been examined in light of the arguments advanced during the hearings, documents made so available by the parties and applicable law. Following has been concluded:

- i. The Complainant is a residential consumer of LESCO having 1 kW sanctioned load. There are five connections installed at the premises bearing Reference No. 01-11116-0043201, 09-11113-0839904, 09-11113-0840100, 09-11113-0840000, 09-11113-0839900. LESCO replaced an existing meter installed at the connection bearing reference No. 01-11116-0043201 in the month of August 2012 with a new meter having No. 12489 (the impugned

meter). This meter remained at site upto May 19, 2014 when the same was declared as defective owing to its display wash and was replaced with another meter at site.

- ii. Prior to replacement of the impugned meter on May 19, 2014, proper meter readings were being taken on monthly basis and the consumption so recorded was billed to the Complainant and the same was fully paid. No discrepancy report was produced by LESCO during the proceedings prior to the instant discrepancy of meter display wash. From this it is construed that prior to May 2014, proper bills as per actual consumption at site were issued to the complainant.
- iii. The impugned meter was checked at M&T laboratory on May 18, 2016 after a lapse of two years of its removal from site i.e May 19, 2014 wherein it was reported that final reading retrieved is 1961
- iv. 7 reading dial whereas the consumer was charged upto reading dial as 3589, as such 16028 units were uncharged. Accordingly, LESCO debited the said units i.e. 16028 units to the Complainant's account and issued a detection bill amounting to Rs. 312,690/- in the billing month of July 2016.
- v. LESCO, upon inquiry, could not provide a satisfactory response to why meter data was not downloaded at the time of removal of the impugned meter from the Complainant's premises. Further, LESCO, upon inquiry, has failed to provide a satisfactory response to why a delay of two years occurred between removal of the impugned meter from the Complainant's premises and data downloading. LESCO also failed to produce record about the whereabouts of the impugned meter during the period from removal of the meter and its data retrieval.
- vi. There is also a discrepancy in the detection bill performa placed on record by LESCO. As per the said performa the detection bill has been charged for the period from July 2013 to Jun 2014. Whereas, LESCO has charged detection bill to the Complainant for the whole period during which the impugned meter remained installed at site i.e. from August 2012 to May 2014.
- vii. LESCO has provided billing statements from August 2010 to August 2019 of all the connections installed at site. The following table depicts the consumption pattern of the complainant recorded on the impugned meter and combined consumption of all the connections installed at site for the period prior during and after issuance of the detection bill:


Period	Units charged against the impugned Ref. No. 01-11116-0043201	Units charged on all 5 connections installed at site
August 2010 to July 2012. (period prior to replacement of the impugned meter)	2711 units (Average monthly- 113 units)	25918 units (Average monthly-1080 units)
August 2012 to May 2014. (period during which the impugned meter remained installed at site)	3714 units (Average monthly-169 units)	28810 units (Average monthly-1310 units)
June 2014 to August 2019 (period after replacement of the impugned meter)	9057 units (Average monthly- 143 units)	95385 units (Average monthly-1514 units)



From the above billing history, it is evident that there is no noticeable variation in the average consumption of the Complainant on the impugned meter as well as on all the meters installed at site. LESCO has raised bill to the tune of 892 units per month during the impugned billing period i.e. From August 2012 to May 2014 as per data retrieval report. The above data further reveals that the billing record of the Complainant on the properly functioning meter does not support the so called consumption pattern retrieved by LESCO.

- viii. LESCO has failed to provide conclusive evidence that the units charged to the Complainant in the impugned bill have in fact been consumed by the Complainant.
- ix. The Complainant paid all the bills regularly issued by LESCO. The consumers have legitimate expectancy that what was being billed to them was actually the cost of electricity consumed. LESCO shall not be permitted to recover loss of revenue, (if any) arising from mismanagement and negligence on part of the company, from consumers.
- x. According to Clause 4.4 (a) of the Consumer Service Manual, in case of replacement of a meter, the consumer's account shall not be liable to any adjustment on the basis of any discrepancy detected in the impugned metering equipment where the discrepancy is not attributable to any act or omission of the consumer. LESCO removed the meter from site on May 19, 2014 and the said meter remained in the custody of LESCO for two years and thereafter LESCO on purportedly discrepancy of display wash issued a detection bill for 16028 units against the complainant on the basis of data retrieval report. LESCO has not alleged the complainant for any omission/damage in the meter attributable to the complainant.

7. Foregoing in view, the detection bill amounting to Rs. 312,690/- charged to the Complainant by LESCO is declared null and void and not payable by the Complainant.


Rehmatullah Baloch
Member (Consumer Affairs)
12/2/2020

Islamabad, February 12, 2020