



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

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad  
Tel. No.+92 051 2013200 Fax No. +92 051 2600028  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/AB/Appeal-097/POI-2015/ 392-396

April 08, 2016

1. Anwar Khan  
S/o Jahangir Khan,  
R/o Chak NO. 420/GB,  
Tehsil Tandlianwala,  
District Faisalabad
2. The Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Muhammad Nawaz Waseer  
Advocate Supreme Court of Pakistan,  
30-Macleagon Road, Lahore
4. Sub Divisional Officer,  
FESCO Ltd,  
Tandlianwala Sub Division,  
District Faisalabad
5. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Registrar
By No. .... 3675
Dated..... 11-04-16

Subject: Appeal Titled FESCO Vs. Anwar Khan Against the Decision Dated 19.05.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 07.04.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

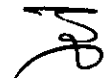
No. NEPRA/AB/Appeal-097/POI-2015/ 397

April 08, 2016

Forwarded for information please.

  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

  
11.04.16  
Diry-II/AR/M/F

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-097/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Anwar Khan, S/o Jahangir Khan, R/o Chak No. 420/GB,  
Tehsil Tandlianwala, District Faisalabad

.....Respondent

### For the appellant:

Mian Zubair Nawaz Clerk Vice Mr. Muhammad Nawaz Waseer Advocate

### For the respondent:

Anwar Khan

## DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 19.05.2015 of Provincial Office of Inspection/Electric Inspector, Faisalabad Region, Faisalabad (hereinafter referred to as POI) is being disposed of.
2. FESCO is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its agricultural consumer bearing Ref No. 29-13233-2252309 with a sanctioned load of 11.37 kW under D-1b tariff.
3. As per fact of the case, the metering equipment of the respondent was checked by Metering and Testing (M&T) FESCO on 01.06.2013, display of the TOU meter was found washed out and backup meter was found tampered. A detection bill for 17,183 units for the period February 2013 to April 2013 was charged to the respondent in the bill for June 2013. The



## National Electric Power Regulatory Authority

detection bill was challenged before the court of Civil Judge Tandlianwala and the plaint was withdrawn vide application dated 17.07.2013. Subsequently the matter was challenged before POI by the respondent vide application dated 19.07.2013. The respondent in his application averred that the bill amounting to Rs. 71,367/- for May 2013 and detection bill of Rs. 246,224/- received in June 2013 were neither recoverable nor payable by him. During the pendency of the matter before POI, the respondent filed another application on 26.06.2014 and, inter alia, complained that unjustified arrears of Rs. 178,810/- were charged for the month of June 2014. Both the applications were decided by POI through a single consolidated decision dated 19.05.2015 with the following conclusion:

*"Summing up the aforesaid discussion, it is held that (I) Back up meter was found within permissible limit of error when checked by this forum in the presence of all the parties on 14.09.2013. (II) Illegal abstraction through back up meter was not established in the instant matter. (III) Detection bill charged for 17183 units for the period of 02/2013 to 04/2013 and charged in the bill of 06/2013 is held as null, void and illegal and not payable by the petitioner. (IV) The electricity bills charged and recovered by Respondents/FESCO for the period of 05/2013 to 04/2014 are also null, void and not payable by the petitioner. FESCO Authority is directed to charge the petitioner on the basis of @ 2223Kwh/12 Kw MDI per month or previous corresponding month consumption whichever is higher for the period of 05/2013 to 04/2014. (V) FESCO Authority is also directed to over haul the account of the petitioner/consumer accordingly."*

4. Being aggrieved with the decision of POI dated 19.05.2015 (hereinafter referred to as the impugned decision), FESCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act).
5. The respondent was issued a notice for filing reply/parawise comments which were however not filed.



## National Electric Power Regulatory Authority

6. Hearing of the appeal was fixed for 28.03.2016 at Lahore and notice thereof was served upon both the parties. On the date of hearing, Mian Zubair Nawaz Clerk of Mr. Muhammad Nawaz Waseer Advocate appeared on behalf of FESCO and the respondent Mr. Anwar Khan entered his appearance in person. In the outset of the hearing the respondent raised preliminary objection regarding limitation and contended that appeal being time barred be dismissed. It was observed from the record placed before us that the impugned decision was announced by POI on 19.05.2015 and certified copy whereof was received by FESCO on 25.05.2015. However the appeal was filed before NEPRA on 22.07.2015 which was obviously filed after the time limit as prescribed in the law. FESCO in its application for condonation of delay stated that the delay was neither deliberate nor intentional and if not condoned, FESCO would suffer irreparable loss and injury. According to section 38 (3) of the Act, appeal should be filed within 30 days, but the instant appeal was filed after expiry of 63 days after its announcement and 57 days after the receipt. It is established that the appeal was filed after the time limit as prescribed in the law and liable to be dismissed on the ground of limitation. As a matter of fact FESCO is required to explain and justify each day of the delay in filing the appeal but FESCO failed to do so. Therefore it is concluded that the appeal is time barred and the same is dismissed accordingly.

Handwritten signature of Muhammad Qamar-uz-Zaman in black ink.

Muhammad Qamar-uz-Zaman  
Member

Handwritten signature of Muhammad Shafique in black ink.

Muhammad Shafique  
Member

Handwritten signature of Nadir Ali Khoso in black ink.

Nadir Ali Khoso  
Convener

Date: 07.04.2016