



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

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No. NEPRA/AB/Appeal-099/POI-2015/ 267—272

March 02, 2016

1. Murid Hussain
S/o Dilmir Khan,
Mauza Chichar Saidhan,
9-KM, Lahore Road,
Tehsil & District Chiniot
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. Malik Muhammad Asif Hayat Saidhan
Advocate High Court,
Chamber No. 37-B,
District Courts, Chiniot
5. Ghulam Nabi Memon
Sub Divisional Officer,
FESCO Ltd,
Sub Division No. II,
Chiniot
6. Electric Inspector
Energy Department,
Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad

Registrar
By No. 2294
Dated 03-03-2016

Subject: Appeal Titled FESCO Vs. Murid Hussain Against the Decision Dated 26.03.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 01.03.2016, regarding the subject matter, for information and necessary action accordingly.

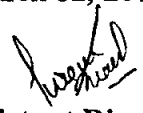
Encl: As Above

(Ikram Shakeel)

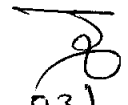
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March 02, 2016

Forwarded for information please.


Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)


03/03/16
D/S - I / M / F

CC:

1. Vice Chairman/Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-099/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Murid Hussain, S/o Dilmir Khan, Mauza Chichar Saidhan,
9-KM, Lahore Road, Tehsil & District Chiniot

.....Respondent

For the appellant:

Mr. Muhammad Nawaz Waseer Advocate
Mr. Ghulam Nabi SDO

For the respondent:

Malik Asif Hayat Saidhan Advocate

DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 26.03.2015 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. 29-13162-3041601 with a sanctioned load of 7.47 kW under D-1b tariff.
3. As per fact of the case, the respondent was aggrieved with the detection bill of Rs. 93,643/- for 6,939 units for the period of April 2014 to July 2014 added in the bill for November 2014 and filed a petition before POI. The TOU billing meter and the backup meter installed on the premises of respondent were checked by POI in presence of both parties on



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03.02.2015. From the comparison of TOU meter and backup meter it emerged that the TOU meter was 1.31 % fast (within B.S.S limit). POI disposed of the petition vide it's decision dated 26.03.2015 and concluded as under:

"Summing up the aforesaid discussion, it is held that the TOU energy meter (Meter No. 3005619) and back up meter (Meter No. 163007) were found working within BSS in the presence of all the parties (ii). The detection bill amounting to Rs. 93643/- added as arrears in the bill for the month of 11/2014 is held as null, void and illegal and the petitioner is not liable to pay the same. FESCO Authority is directed to refund the excessively charged amount/bill and over haul the account of the petitioner/consumer accordingly."

4. Being aggrieved with the decision of POI dated 26.03.2015 (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. The respondent in the reply/parawise comments, inter alia, raised preliminary objection regarding limitation and contended that appeal was barred by time and liable to be dismissed.
6. Hearing of the appeal was fixed for 15.02.2016 at Lahore and notice thereof was served upon both the parties. On the date of hearing, Mr. Muhammad Nawaz Waseer Advocate and Mr. Ghulam Nabi SDO appeared on behalf of FESCO and Malik Muhammad Asif Hayat Saidhan Advocate represented the respondent. In the outset of the hearing, the learned counsel for the respondent raised preliminary objection regarding limitation and pleaded that the appeal was barred by time and liable to be dismissed on this ground alone. It was observed from the record that the impugned decision was announced by POI on 26.03.2015 and the certified copy of the same was received by FESCO on same day. However the appeal was filed before NEPRA on 27.08.2015. The appeal was obviously filed after the time limit as prescribed in the law. The learned counsel for FESCO averred that in order to

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collect the relevant documents, some time was consumed and due this reason, the titled appeal could not be filed within time and an application for condonation of the delay was filed. According to section 38 (3) of the Act, appeal should be filed within 30 days of its announcement, but the instant appeal was filed after 152 days which obviously was filed after the time limit as prescribed in the law. FESCO has failed to explain/justify the delay in filing the appeal. Therefore we conclude that the appeal is time barred and dismissed accordingly.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafique
Member

Nadir Ali Khoso
Convener

Date: 01.03.2016