



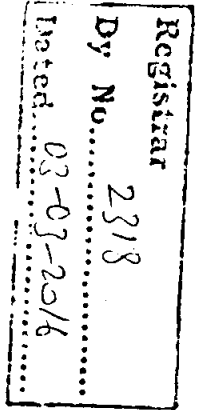
Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-107/POI-2015/ 274-278

March 03, 2016

1. Allah Yar
S/o Faqeer Muhammad,
Through Muhammad Yasin,
R/o Mohallah Hussainabad,
Main Okara Road,
Tandlianwala, Distt. Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Mehar Shahid Mehmood,
Advocate High Court,
Office No. 25, 3rd Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. SDO/AM (Op)
Tandlianwala Sub Division,
FESCO Ltd,
Faisalabad
5. Electric Inspector
Energy Department,
Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad



Subject: Appeal Titled FESCO Vs. Allah Yar Against the Decision Dated 07.05.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 02.03.2016, regarding the subject matter, for information and necessary action accordingly.

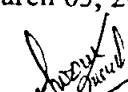
Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-107/POI-2015/ 279

March 03, 2016

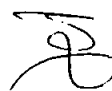
Forwarded for information please.



Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Vice Chairman/Member (CA)


03/03/16

 - I/m/f



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-107/POI-2015

Faisalabad Electric Supply Company LimitedAppellant

Versus

Allah Yar, S/o Faqeer Muhammad, Through Muhammad Yasin,
R/o Mohallah Hussainabad, Tandlianwala, Distt. FaisalabadRespondent

For the appellant:

Mehar Shahid Mehmood Advocate

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 07.05.2015 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 RefNo. 09-13233-1734502 with a sanctioned load of 3 kW under A-A tariff.

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National Electric Power Regulatory Authority

3. As per fact of the case, electricity meter of the respondent became defective and therefore DEF-EST code was allotted to the respondent on 07.02.2014. Bills were charged to the respondent on DEF-EST basis from 07.02.2014 onwards till replacement of the meter in November 2014. The respondent being aggrieved with the said billing filed a petition before POI on 31.01.2014. The petition was disposed of by POI on 07.05.2015 and it was concluded as under:

"Summing up the aforesaid discussion, it is held that (I) the electricity bill charged on DEF-EST code basis w.e.f 07/2014 to replacement of meter in 11/2014 are held as null, void and illegal and not payable by the petitioner. (II) FESCO Authority is directed to charge the petitioner @ 217 units per month w.e.f. the billing month of 07/2014 to replacement of meter in 11/2014 proportionately and accordingly and over haul the account of the petitioner/consumer accordingly."

4. Being aggrieved with the decision of POI dated 07.05.2015 (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. A notice of the appeal was issued to the respondent for filing reply/parawise comments which were however not filed.
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, Mehar Shahid Mehmood Advocate appeared on behalf of FESCO and no one entered appearance for the respondent. As the point of limitation was noticed therefore in the outset of hearing, learned counsel for FESCO was asked to argue on this point. Learned counsel for FESCO contended that delay was not intentional and deliberate but it was due to insurmountable circumstances which was liable to be condoned. It was observed from the record that the impugned decision was announced on 07.05.2015 and the certified copy of thereof was obtained by FESCO on 11.05.2015.



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However the appeal was filed before NEPRA on 31.07.2015. Pursuant to section 38 (3) of the Act, an appeal has to be filed within 30 days of its receipt but the instant appeal was filed after 84 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 it is concluded that the appeal is time barred and is dismissed accordingly.

Muhammad Qamar-uz-Zaman
Member

Muhammad Shafigue
Member

Nadir Ali Khoso
Convener

Date: 02.03.2016