



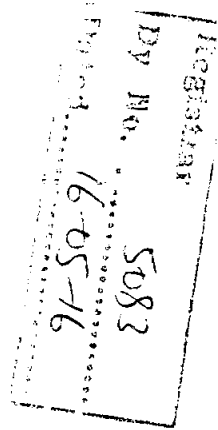
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-118/POI-2015/ 525-520

May 10, 2016

1. Abbas Khan
S/o Ghulam Muhammad,
R/o Chak No. 421/GB,
Tehsil Tandlianwala, Distt. Faisalabad
2. The Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullah Pur,
Faisalabad
3. Muhammad Nawaz Waseer
Advocate Supreme Court,
30-Macleagon Road,
Lahore
4. Zulfiqar Ali Dhuddi
Advocate High Court,
Asif Cheema & Associates,
4-A, Mozang Road, Lahore
5. Sub Divisional Officer,
FESCO Ltd,
Tandlianwala Sub Division,
Tandlianwala, District Faisalabad
6. Electric Inspector
Energy Department,
Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad



Subject: Appeal Titled FESCO Vs. Abbas Khan Against the Decision Dated 01.07.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 19.04.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-118/POI-2015/ 521

May 10, 2016

Forwarded for information please.

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

16.05.16

— DD (IT)

CC:

— DRG- II / NF

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-118/POI-2015

Faisalabad Electric Supply Company LimitedAppellant

Versus

Abbas Khan, S/o Ghulam Muhammad, R/o Chak No. 421/GB,
Tehsil Tandlianwala, District FaisalabadRespondent

For the appellant:

Mr. Muhammad Nawaz Waseer Advocate

For the respondent:

Mr. Zulfiqar Ali Dhuddi Advocate

DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 01.07.2015 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.
3. As per facts of the case the respondent is an agricultural consumer of FESCO bearing Ref No. 29-13233-1769398 with a sanctioned load of 25 kW under D-1b tariff. The electricity meter of the respondent was checked by POI on 04.07.2013 in presence of both

All



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the parties and found 28.7 % fast. Again the disputed meter was checked by POI in the M&T lab on 25.09.2014 and found 7.6 % fast.

3. The respondent filed an application before POI on 25.06.2013 and challenged the bill of Rs. 405,423/- of May 2013 containing arrears of Rs. 341,366/-. The respondent filed another application before POI on 09.01.2014 and challenged the bill of Rs. 299,265/- for November 2013. Both the applications of the respondent were disposed of by POI vide its single decision dated 01.07.2015 with the following conclusion:

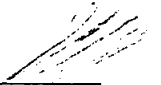
“Summing up the aforesaid discussion, it is held that (I) Disputed energy meter of the petitioner (meter No. 002000, make EPL) is 7.6 % fast w.e.f the date of application 27.08.2011 (as filed with SDO (OP) FESCO Tandlianwala Sub-Division) of the petitioner. (II) All the bills issued w.e.f. 27.08.2011 to installation of new meter (meter No. 345535, make KBK) on 29.07.2013, are held as charged & recovered with 7.6 % fastness of disputed energy meter and FESCO is directed to revise the same after excluding 7.6 % fastness of meter accordingly and proportionately. (III) FESCO Authority is also directed to over haul the account of the petitioner accordingly and shift the billing on new meter (meter No. 345535, make KBK) from the date of its installation (29.07.2013).”

4. Being aggrieved with the decision of POI dated 01.07.2015 (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). A notice of the appeal was issued to the respondent for filing reply/parawise comments which were however not filed.
5. Hearing of the appeal was held on 19.04.2016 at Lahore, in which both the parties participated. Mr. Zulfiqar Ali Dhuddi Advocate learned counsel for the respondent, in the outset of the hearing raised preliminary objection regarding limitation and contended that appeal was time barred and liable to be dismissed on this ground alone. Mr. Muhammad Nawaz Waseer Advocate, learned counsel for FESCO contended that the appeal could not



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be filed in time as some time was consumed in collection of relevant documents. According to learned counsel for FESCO, the delay in filing of the appeal was neither deliberate, nor intentional and if the delay was not condoned, FESCO would suffer irreparable loss and injury. He prayed for condonation of the delay. It was observed from the record that impugned decision was announced on 01.07.2015 and certified copy thereof was delivered to FESCO on the same day. However the appeal was filed before NEPRA on 08.10.2015 after lapse of 98 days. 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 98 days which obviously was filed after the time limit as prescribed in the law. 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 dismissed accordingly.



Muhammad Shafique
Member



Nadir Ali Khoso
Convener

Date: 19.04.2016