



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

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No. NEPRA/AB/Appeal-119/POI-2015/ *527-531*

May 11, 2016

1. Rana Muhammad Azam  
S/o Ali Muhammad Khan,  
R/o Chak No. 506/GB,  
Tehsil Tandlianwala, Distt. Faisalabad
2. The Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Mian Muhammad Javaid  
Advocate Supreme Court,  
4-Link Farod Kot Road,  
Lahore
4. SDO/AM (Op)  
FESCO Ltd,  
Mamunkanjan Sub Division,  
Mamunkanjan, Distt. Faisalabad
5. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Recd. No. 5081  
By Mr. 16-05-16

Subject: Appeal Titled FESCO Vs. Rana Muhammad Azam Against the Decision Dated 14.07.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 12.04.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(Ikram Shakeel)

No. NEPRA/AB/Appeal-119/POI-2015/ *532*

May 11, 2016

Forwarded for information please.

*Ikram Shakeel*  
Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

*16.05.16*

CC:

1. Member (CA)

— DD (IT)  
— D/Reg-II/MF



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-119/POI-2015

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Rana Muhammad Azam, S/o Ali Muhammad Khan,  
R/o Chak No. 506/B, Tehsil Tandlianwala, Distt. Faisalabad .....Respondent

#### For the appellant:

Mian Muhammad Javaid Advocate

#### For the respondent:

Mr. Sajjad

## DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as FESCO) against the decision dated 14.07.2015 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. 29-13234-1210400 with a sanctioned load of 18.65 kW under D-1b tariff. The respondent being aggrieved with a bill amounting to Rs. 50,383/- charged on DEF-EST

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code basis for May 2013 filed first application before POI on 26.06.2013. The respondent filed second application on 16.07.2013 and challenged the bill of June 2013 amounting to Rs. 51,862/- charged on DEF-EST code basis. The respondent filed third application before POI on 20.08.2013 and challenged a bill amounting to Rs. 39,639/- charged in July 2013 on DEF-EST code basis. POI disposed of the matter in favour of the respondent on ex-parte basis on 14.07.2015.

4. Being dissatisfied with the decision of POI dated 14.07.2015 (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 filed on 06.01.2016. The respondent in its reply/parawise comments raised preliminary objection regarding limitation and pleaded that appeal being time barred be dismissed.
5. Hearing of the appeal was held on 12.04.2016 at Lahore, in which both the parties participated. Mr. Sajjad appearing for the respondent, in the outset of the hearing reiterated the preliminary objection regarding limitation and pleaded that the appeal was time barred and liable to be dismissed. Mian Muhammad Javaid Advocate, learned counsel for FESCO submitted that after acquiring knowledge of the impugned decision, application was moved on 25.08.2015 and certified copy of the impugned decision was received on 12.09.2015. According to learned counsel for FESCO, the appeal was filed within the time as allowed under the law. He prayed for condonation of the delay if any, in the interest of justice. It has been observed from the record that impugned decisions was announced on 14.07.2015, application for certified copy was moved on 25.08.2015 and certified copy of the impugned decision was received on same day. However the appeal was filed before NEPRA on 09.10.2015 i.e. after delay of 86 days of its announcement and after 44 days of its receipt. 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 the time limit as prescribed in the law. As a matter of

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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 Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 12.04.2016