



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

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No. NEPRA/AB/Appeal-124/POI-2015/ 491-495

May 05, 2016

1. Muhammad Bashir  
S/o Daray Khan,  
R/o Chak No. 421/GB,  
Tehsil Tandlianwala, District Faisalabad
2. The Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Ch. Mumtaz-ul-Hassan  
Advocate Supreme Court of Pakistan,  
16-Link Farid Kot Road,  
Lahore
4. Sub Divisional Officer,  
FESCO Ltd,  
Tandlianwala Sub Division,  
Tandlianwala, District Faisalabad
5. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

Registrar  
Dy. No. 4874  
10-05-16

Subject: **Appeal Titled FESCO Vs. Bashir Ahmed Against the Decision Dated 11.09.2015 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-124/POI-2015/ 496

May 05, 2016

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

— D/Reg-II

10.05.16

CC:

— DD-II

1. Member (CA)

— m/F



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-124/POI-2015

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Bashir, S/o Daray Khan, R/o Chak No.  
421/GB, Tehsil Tandlianwala, District Faisalabad

.....Respondent

For the appellant:

Ch. Mumtaz-ul-Hassan Advocate

For the respondent:

Nemo

## DECISION

1. Through this decision, an appeal filed by Faisalabad Electric Supply Company Limited is being disposed of. The appellant 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 domestic consumer bearing Ref No. 29-13233-1761698 with a sanctioned load of 14.92 kW under D-1b tariff. The electricity Meter of the respondent was checked by Metering & Testing (M&T) FESCO in July 2013 and was found dead stop. Average units were charged to the respondent from July 2013 to September 2013 on load factor basis. Electric supply of the respondent was disconnected on 28.10.2013 due to non-payment of electricity bill amounting to Rs. 234,109/-.
2. The respondent challenged the above mentioned average bill before Provincial Office of



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Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI) on 09.01.2014 who disposed of the matter vide its decision dated 11.09.2015 with the following conclusion:


*"Summing up all the above observations and keeping in view all aspects of the case in the light of NEPRA approved Consumer Service Manual 2010, this forum declares the charging from 07/2013 to 09/2013 alongwith Late Payment Surcharge a per load factor as Null, Void & without any legal effect and petitioner is not liable to pay the same. The Respondents are directed to withdraw the same and to charge the petitioner @ 3500 Kwh in 07/2013, 1865 Kwh in 08/2013 & 1509 Kwh in 09/2013 and overhaul petitioner's account by adjusting all Credits, Debits, Deffered Amount & Payments already made by the consumer."*


3. The instant appeal has been filed against the above referred decision for which notice was issued to the respondent for filing of reply/comments but the same was not filed. The hearing of the appeal was fixed at Lahore on 19.04.2016 and due notices of hearing were issued to the parties. On the date of hearing, learned counsel for appellant did appear however, there was no appearance on behalf of the respondent. Learned counsel for appellant contended that the impugned decision was announced by POI after delay of 90 days after receipt of the application filed by the respondent and as such the decision became functus officio, coram nonjudice and void ab-initio under section 26 (6) of Electricity Act, 1910. Reliance was placed on the case of WAPDA etc. Vs. M. Amir Malik etc. (2006 YLR 2612). According to learned counsel for FESCO, no limitation runs against an illegal order.
4. From the record placed before us it has been observed that the complaint of the respondent was disposed of by the officer in its capacity as POI under NEPRA Act, 1997 which does not impose any time limit and as such provisions of section 26 (6) of Electricity Act, 1910 are not applicable. The stance of learned counsel for FESCO that the decision is void has no force and is therefore declined. It is an admitted position on record that the impugned decision was announced on 11.09.2015 and certified copy was received by FESCO on 17.09.2015. The appeal was filed before NEPRA on 05.11.2015 i.e. after 54 of its announcement and 48 days after its receipt. Pursuant to section 38 (3) of the NEPRA Act



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1997, FESCO was required to file the appeal within 30 days, but in the instant case, FESCO failed to do so. Obviously the appeal is time barred and therefore dismissed accordingly.

  
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Muhammad Shafique  
Member

  
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Nadir Ali Khoso  
Convener

Date: 19.04.2016