



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

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No. NEPRA/AB/Appeal-136/POI-2015/ 596 — 601

May 12, 2016

1. Allah Yar  
S/o Muhammad Akbar,  
Prop: Power Looms Factory,  
Factory Area, Street No. 1,  
Razabad, Faisalabad
2. The Chief Executive Officer  
FESCO Ltd,  
West Canal Road, Abdullah Pur,  
Faisalabad
3. Ch. Muhammad Shahid Iqbal  
Advocate High Court,  
Office No. 3, Thrid Floor,  
Khan Arcade, Mouj Darya Road,  
Lahore
4. Ch. Muhammad Imran Bhatti  
Advocate High Court,  
44-District Courts, Faisalabad
5. Sub Divisional Officer (Op)  
FESCO Ltd,  
Razaabad Sub Division,  
Razaabad, Faisalabad
6. Electric Inspector  
Energy Department,  
Govt. of Punjab,  
Opposite Commissioner Office,  
D.C.G Road, Civil Lines,  
Faisalabad Region, Faisalabad

5071  
16.05.16

Subject: Appeal Titled FESCO Vs. Allah Yar Against the Decision Dated 13.10.2015 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-136/POI-2015/ 602

May 12, 2016

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)

— D D (IT)  
— D/Kg - I / M / F

16.05.16



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

### Appeal No. NEPRA/Appeal-136/POI-2015

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Allah Yar, S/o Muhammad Akbar, Prop: Power Looms  
Factory, Factory Area, Street No. 1, Razabad, Faisalabad .....Respondent

For the appellant:

Ch. Muhammad Shahid Iqbal Advocate

For the respondent:

Ch. M. Imran Bhatti Advocate

## DECISION

1. Brief facts giving rise to the instant appeal are that Faisalabad Electric Supply Company Limited (hereinafter referred to as 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 domestic consumer bearing Ref No. 21-13224-1272100 with a sanctioned load of 4 kW under B-1 tariff.
2. Meter of the respondent was checked by Metering & Testing (M&T) FESCO on 05.01.2015 and reading of the meter was found held up. Notice dated 08.01.2015 was issued to the respondent regarding this discrepancy. A detection bill amounting to Rs. 109,999/- for 7,500 units for the period October 2014 to December 2014 was charged to the respondent in February 2015. Another detection bill amounting to Rs. 33,684/- was charged to the respondent in March 2015 as the detection units were raised from 7,500 to 9,811 units.



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3. Being aggrieved with the above detection bills, the respondent filed an application on 14.03.2015 before Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as POI). POI disposed of the matter vide its decision dated 13.10.2015 and concluded as under:

*"Summing up all the above observations/discussion and keeping in view all aspects of the case this forum declares that the Detection bill Rs. 109,999/- charged as arrears in the month of 02/2015 and second detection bill amounting to Rs. 33,684/- added as arrears in the billing month of March 2015 for the period of 3 months i.e. 10/2014 to 12/2014 as Null, Void & without any legal effect and petitioner is not liable to be pay the same. The Respondents are directed to withdraw the same and charge the petitioner 3585 units for the detection period and overhaul petitioner's account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer."*


4. Being dissatisfied with the decision of POI dated 13.10.2015 (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 filed on 19.04.2016. The respondent in his reply/parawise comments raised preliminary objection that the appeal was barred by time by 25 days and was therefore liable to be dismissed pursuant to section 3 of the National Electric Power Regulatory Authority (procedure for filing appeal before the Authority) Regulations, 2012.
6. After issuing notice, the appeal was heard in Lahore on 19.04.2016 in presence of both the parties. Ch. Muhammad Shahid Iqbal Advocate and Mr. Muhammad Yasin SDO appeared for the appellant FESCO and Ch. M. Imran Bhatti Advocate appeared for the respondent. In the outset of the hearing, learned counsel for the respondent reiterated the preliminary objection regarding limitation and contended that the appeal being time barred be dismissed. Reliance was placed on 2011 SCMR 676, 2012 MLD 1736, PLD 2003 Supreme Court 628, PLD 2010 Supreme Court 705, 2012 SCMR 1004 and 1987 CSMR 92. Learned counsel for FESCO

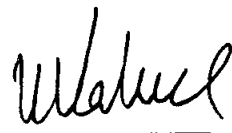


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rebutted the arguments of the respondent and contended that the impugned decision announced on 13.10.2015 was received on 15.10.2015 and due to consecutive strike in FESCO, the appeal could not be filed within time limit and the delay in filing of the appeal was beyond the control of the appellant and therefore liable to be condoned. Reliance was placed on PLD 2003 SC 724.

7. We have heard the arguments of both the parties and examined the record placed before us. It has been observed that the impugned decision was announced on 13.10.2015 and copy thereof was received by FESCO on 15.10.2015 and the appeal was filed before NEPRA on 27.11.2015 which was beyond the 30 days time limit as envisaged under 38 (3) of the Act. There is no force in the arguments of learned counsel for FESCO for condonation of the delay as no documents regarding strike and closure of offices could be produced as evidence. We are convinced with the contention of learned counsel for the respondent that the appeal being time barred is liable to be dismissed on this ground.
8. In fact FESCO is required to justify each and every day of delay in filing of the appeal but FESCO failed to do so. Therefore it is concluded that the appeal was filed after the time limit as prescribed in the law. 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