



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

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No. NEPRA/AB/Appeal-135/POI-2015/ 738-742

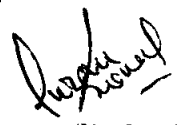
May 31, 2016

1. Abdul Waheed Sheikh,  
S/o Abdur Rahseed Sheikh,  
R/o House No. 13/6,  
Street No. 3, Gillgoust Colony,  
Faisalabad
2. The Chief Executive Officer,  
FESCO Ltd,  
West Canal Road, Abdullahpur,  
Faisalabad
3. Muhammad Nawaz Waseer,  
Advocate High Court,  
30-Macleagon Road,  
Lahore
4. Sub Divisional Officer,  
FESCO Ltd,  
Garden Town Sub Division,  
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. Abdul Waheed Sheikh Against the Decision Dated 12.05.2015 of the Electric Inspector/POI to Government of the Punjab Faisalabad Region, Faisalabad

Please find enclosed herewith the decision of the Appellate Board dated 31.05.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

  
(Ikram Shakeel)

No. NEPRA/AB/Appeal-135/POI-2015/ 743

May 31, 2016

Forwarded for information please.

Assistant Director  
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



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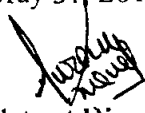
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# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-135/POI-2015

Faisalabad Electric Supply Company Limited .....Appellant

Versus

Abdul Wahid Sheikh, S/o Abdur Rasheed, R/o House  
No. 13/6, Street No. 3, Gillgoust Colony, Faisalabad .....Respondent

For the appellant:

Malik M. Ather Bilal Awan Advocate vice Muhammad Nawaz Waseer Advocate

For the respondent:

Nemo

## 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. 15-13245-1389300 with a sanctioned load of 3 kW under A-1A tariff.
2. The electricity meter of the respondent was checked by Metering & Testing (M&T) FESCO on 21.08.2014 and allegedly the meter was found tampered for stealing electricity. The meter was removed from site and notice dated 21.08.2014 was issued to the respondent and a detection bill of Rs. 56,295/- for 2,932 units for the period May 2014 to August 2014 on the connected load basis of 5.248 kW was charged to the respondent in



## National Electric Power Regulatory Authority

November 2014.

3. The action of FESCO was challenged by respondent by filing an application dated 09.10.2014 before POI wherein it was stated that the meter was removed from site on 21.09.2014 without giving any reason though his bill for August 2014 was deposited. The respondent filed another application on 18.12.2014 and challenged detection bill of Rs. 57,614/- charged in the billing month of November 2014. As both the applications have common law point and facts, therefore both were disposed of by POI vide it's consolidated decision dated 12.05.2015. The operative portion of the same is reproduced below:

*"Summing up the foregoing discussion, it is held that the detection bill of Rs. 56295/- (and Rs. 57614/- payable after due date) charged in the bill for the month of 11/2014 for 2932 units for retrospective period of four months 05/2014 to 08/2014 is null, void and illegal and not payable by the petitioner. (II) The FESCO concerned Authority has not established illegal abstractions as per clause 9.1 (c) of Consumer Service Manual 2010, approved by NEPRA Authority (III) Disputed meter removed from site can not be termed as tampered by petitioner in the instant matter. (IV) FESCO concerned Authority is directed to immediately restore the electric supply of the petitioner under A/C No. 15-13245-1389300. (V) Cost of the meter will be subject to as per provision of clause 4.4 (e) (VI) FESCO Authority also is directed to over haul the account of the petitioner/ consumer accordingly."*

4. Being dissatisfied with the decision of POI dated 12.05.2015 (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). A notice of the appeal was issued to the respondent for filing reply/parawise comments which were however not filed.
5. Notices were issued to both the parties and hearing was held in Lahore on 16.05.2016. Malik M. Ather Bilal Awan Advocate appeared for FESCO and no one entered appearance for the respondent. As point of limitation was noticed, the learned counsel for FESCO was



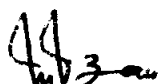
## National Electric Power Regulatory Authority


advised to argue on this point. The appellant contended that the copy of the impugned decision was received on 27.05.2015 but appeal could not be filed within stipulated period of 30 days due to strike in the department. The learned counsel for FESCO pleaded that the delay was unintentional and unavoidable, therefore he prayed for condonation of the delay and decision of appeal on merit.


6. We have heard arguments of FESCO and it was observed as under:

The impugned decision was announced on 12.05.2015, application for certified copy was filed by FESCO on 26.05.2015 and copy of the impugned decision was delivered on 27.05.2015 but the appeal was filed by FESCO before NEPRA on 08.12.2015 after a delay of 194 days. Pursuant to section 38 (3) of the Act, an appeal has to be filed within 30 days of receipt of the impugned decision. It is an admitted position on record that the copy of the impugned decision was received by the appellant on 27.05.2015 but the appeal was filed on 08.12.2015 and no cogent reason was given for such an inordinate delay. Obviously the appeal is time barred and liable to be dismissed on this ground alone.

7. In view of above, it is concluded that appeal is time barred and therefore dismissed accordingly.

  
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Muhammad Qamar-uz-Zaman  
Member

  
\_\_\_\_\_  
Nadir Ali Khoso  
Convener

  
\_\_\_\_\_  
Muhammad Shafique  
Member

Date: 31.05.2016

