



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

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No. NEPRA/AB/Appeal/177/POI/2019/ 240-243

March 10, 2020

- | | |
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| 1. Abdul Latif Shoro
S/o. Adam Khan Abro,
Al-Shahbaz Colony,
Kotri, District Jam Shoro | 2. Chief Executive Officer,
HESCO Ltd, ,
WAPDA Offices Complex,
Hussainabad, Hyderabad |
| 3. Executive Engineer
HESCO Ltd,
Operation Division,
Kotri | 4. Electric Inspector/POI
Hyderabad Region,
Government of Sindh,
Building No. 48/B, Civil Lines,
Hyderabad |

Subject: **Appeal Titled HESCO Vs. Abdul Latif Shoro Against the Decision Dated 29.03.2019 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad**

Please find enclosed herewith the decision of the Appellate Board dated 09.03.2020, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)

No. NEPRA/AB/Appeal/177/POI/2019/

March 10, 2020

Forwarded for information please.

**Assistant Director
Appellate Board**

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

**Before Appellate Board, National Electric Power Regulatory Authority,
Islamabad**

In the matter of

Appeal No. 177/2019

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 29.03.2019 PASSED BY PROVINCIAL
OFFICE OF INSPECTION HYDERABAD REGION, HYDERABAD**

Hyderabad Electric Supply Company LimitedAppellant

Versus

Abdul Latif Shoro R/o Al-Shahbaz Colony Kotri, Distric JamshoroRespondent

For the appellant:

Mr. G. Farooq Tunio

For the respondent:

Mr. Abdul Latif Shoro

DECISION

1. Hyderabad Electric Supply Company Limited (HESCO) 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 consumer having domestic consumer bearing Ref No. 10-37221-0025614 having sanctioned load of 2 kW under the A-1 tariff.
2. Brief facts leading to the filing of instant appeal are that the respondent filed a complaint before the Provincial Office of Inspection (POI) on 19.12.2018 and challenged the bills for the period from January 2015 to August 2015 and



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November 2018. As per HESCO, the respondent was found stealing electricity through the tampered meter (deliberately made 68% slow), therefore the respondent was charged the above bills. POI disposed of the matter vide its decision dated 29.03.2019, wherein HESCO was directed to revise the bills of January 2015 to August 2015 and November 2018 @ 292 units/month.

3. The appeal in hand has been filed by HESCO against the decision dated 29.03.2019 of POI (hereinafter referred to as the impugned decision). In its appeal, HESCO stated that the meter of the respondent was found 68% slow (deliberately tampered) as observed during checking dated 06.11.2018 due to which actual consumption was not recorded, hence the bills charged to the respondent are justified but the POI did not consider the arguments and record of HESCO and rendered the impugned decision arbitrarily.
4. Notice of the appeal was issued to the respondent for filing reply/para-wise comments, which were filed by the respondent on 17.08.2019. In his reply, the respondent defended the impugned decision and prayed for its implementation.
5. Hearing of the appeal was fixed for 10.01.2020 at Hyderabad and notice thereof was served upon both the parties. On the date of hearing, both the parties were in attendance. The representative for HESCO reiterated the same grounds as contained in memo of the appeal and contended that the bills for the period from January 2015 to August 2015 and November 2018 were charged to the respondent on account of theft of electricity committed through tampering the meter. On the





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other hand, the respondent appearing in person denied accusation of theft, supported the impugned decision and prayed for implementation.

6. Arguments heard and the record examined. Following are our observations:

- i. The complaint of the respondent with regard to the bills for the period January 2015 to August 2015 was filed before POI on 19.12.2018 after lapse of more than three years. Obviously, the claim of the respondent regarding the billing for the period January 2015 to August 2015 is time-barred under Article 181 of Limitation Act, 1908. In this regard, reliance is placed on the Lahore High Court, judgment dated 30.11.2015 in respect of writ petition No.17314-2015 titled "Muhammad Hanif v/s NEPRA and others", wherein it is held as under:

"The petitioner at the most can invoke Article 181 of The Limitation Act, 1908 which is the residuary provision and caters the issue of limitation where no period of limitation is provided elsewhere in the Schedule of The Limitation Act, 1908 or under Section 48 of The Code of Civil Procedure (V of 1908). Article 181 of The Limitation Act, 1908 prescribes the period of three years for filing an application that applies when the right to apply accrues as prescribed in Article 181 of Limitation Act, 1908."

As the respondent did not provide any justification or cogent reason for the delay in agitating the above bills, we hold that the complaint of the respondent with respect to the bills for January 2015 to August 2015 is time-barred and POI has no jurisdiction to entertain the same. Hence impugned decision is set aside to this extent being illegal.

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ii. However, we are inclined to agree with the determination of POI for revision of the bill for November 2018 for the cost of 292 units as per sanctioned load of the respondent.

7. Forgoing into consideration, the appeal is partially accepted.

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Muhammad Qamar-uz-Zaman
Member

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Muhammad Shafique
Member

A handwritten signature in black ink, appearing to read "Nadir Ali Khoso", is written over a horizontal line.

Nadir Ali Khoso
Convener

Dated: 09.03.2020