



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

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No. NEPRA/AB/Appeal/057/POI/2022/ 745


July 25, 2022

1. Abdul Majeed,
R/o. House No. E-1, Phase-I,
Gulshan-e-Mehran, Near London Town,
Qasimabad, Hyderabad
2. Chief Executive Officer,
HESCO Ltd.,
WAPDA Offices Complex,
Hussainabad, Hyderabad
3. Executive Engineer (Operation),
HESCO Ltd,
Qasimabad Operation Division,
Qasimabad, Hyderabad
4. POI/Electric Inspector,
Hyderabad Region,
Government Building No. 48/B,
Civil Lines, Hyderabad

Subject: **Appeal Titled HESCO Vs. Abdul Majeed Against the Decision Dated 15.02.2022 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 21.07.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 057/POI-2022

Hyderabad Electric Supply Company Limited

.....Appellant

Versus

Abdul Majeed, R/o. House No. E-1, Phase-I, Gulshan-e-Mehran,
Near London Town, Qasimabad, Hyderabad

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 15.02.2022 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION HYDERABAD REGION HYDERABAD

For the Appellant:

Mr. G. Farooque XEN

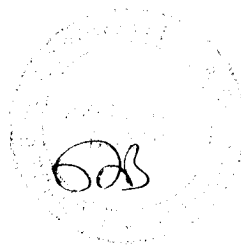
For the Respondent:

Mr. Abdul Majeed

Mr. Abdul Kareem

DECISION

1. As per fact of the case, the Respondent namely, Mr. Abdul Majeed is a domestic consumer of the Appellant (the "Hyderabad Electric Supply Company Limited" or "HESCO") bearing Ref No.10-37181-0711000 having sanctioned load of 1 kW and the applicable tariff category is A-1(a).
2. The Respondent filed a complaint before the Provincial Office of Inspection Hyderabad Region, Hyderabad (the "POI") on 11.01.2021 and disputed the billing for the period

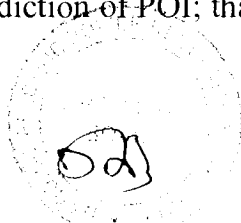




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from May 2013 to July 2021 on the plea that the connection of the premises is connected since the year 2005 and the Appellant had issued Equipment Removal Order (ERO) after clearance of the dues. The complaint of the Respondent was disposed of by the POI vide decision dated 15.02.2022, wherein the bills charged by the Appellant for the period May 2013 to July 2021 along with late payment surcharge (LPS) were canceled.

3. Through the instant appeal, the Appellant has challenged the POI decision dated 15.02.2022 (hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant opposed the impugned decision *primarily* on the grounds that the Respondent was involved in illegal abstraction of electricity and less consumption recorded during the detection months, hence the average consumption for total 8,451 units for the period from May 2013 to July 2021 were charged to the Respondent @ 88 units/month; that the Respondent agreed with the above bills and made payment in forty five (45) months; that the use of extra phase by the Respondent was verified during site checking dated 12.03.2020 but the POI passed the impugned decision without considering the arguments; that the detection bills were issued after adopting the proper procedure and issuance of notice to the Respondent, hence no maladministration occurred; that the impugned decision is against the law, justice and equity; that the lodging of FIR against the unregistered consumers is essential wherein the financial loss is covered by raising the detection bills against the registered consumers as per the procedure laid down in Clause 9.1(a) of the Consumer Service Manual (the “CSM-2010”) that the matter pertains to the direct use of electricity, hence the same is beyond the jurisdiction of POI; that the appeal be accepted and the





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impugned decision be set aside in the best interest of justice.

4. Proceedings by the Appellate Board

4.1. Upon the filing of the instant appeal, a Notice dated 24.05.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted his reply before the NEPRA on 06.06.2022 wherein he explained that the premises is closed since the year 2005 and the meter was removed by the Appellant but he was being harassed for payment of bills; that the Appellant's official admitted their mistake for irregular billing but no action was taken for rectification of the bills. The Respondent further elaborated that the allegations of the Appellant are false, frivolous, and have no validity. As per Respondent, the irregular billing is continued since the year 2013, whereas the inspection was carried out on 12.03.2020, which is self-contradictory. According to the Respondent, the representative for the Appellant conceded this fact before the POI and agreed to afford relief against his prayer, hence there is no justification to file the appeal before the NEPRA. The Respondent finally prayed for dismissal of the appeal with cost.

5. Hearing

5.1. Hearing in the matter of the subject Appeal was scheduled for 04.07.2022 at NEPRA Regional Office Karachi for which notices dated 28.06.2022 were issued to both parties (The Appellant and Respondent). On the date of the hearing, both parties (the Appellant and Respondent) were present. At the outset of the hearing, the question of limitation was raised by this forum. In



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response, the Appellant submitted that the impugned decision was passed by the POI on 15.02.2022, a copy of which is received on 23.02.2022, and the appeal was filed before the NEPRA on 13.04.2022. The Appellant further submitted that the delay in filing the appeal was not intentional and the same may be condoned in the best interest of justice. The Appellant prayed that the appeal be decided on merits instead of technical grounds. On the contrary, the Respondent reiterated the arguments as contained in reply/para-wise comments to the appeal, defended the impugned decision, and prayed for upholding the same.

6. Arguments were heard and the record placed before us was examined. Following are our findings:

6.1. Before going into the merits of the case, the point of limitation raised by the Respondent needs to be addressed. It is observed that the impugned decision was announced by the POI on 15.02.2022, copy of the same was obtained by the Appellant on 23.02.2022 and an appeal was preferred before the NEPRA on 13.04.2022 against the impugned decision dated 15.02.2022. The above whole scenario indicates that the Appellant failed to file the instant appeal before the NEPRA within thirty (30) days of receipt of the impugned decision as envisaged under Section 38 (3) of NEPRA Act 1997.

6.2. Thus the appeal filed by the Appellant after the lapse of forty-nine (49) days is time-barred. No sufficient reasons have been given by the Appellant to justify the





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condonation of delay. It is concluded that the appeal filed before NEPRA is time-barred and liable to be dismissed on this ground alone.

7. Forgoing consideration, the appeal is dismissed.

Syed Zawar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 21/07/2022

