



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

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No. NEPRA/AB/Appeal-056/POI-2015/1041—1044

October 22, 2015

1. Major M.A. Zaidi
Through Muhammad Riaz,
R/o 29-Rajgarh Road,
Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Arshad Mehmood
Advocate High Court,
6A/12, Fane Road,
Lahore
4. The Assistant Manager (Op),
LESCO Ltd,
Premnagar Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Major M.A. Zaidi Against the Decision Dated 10.03.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 22.10.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-056/POI-2015/1045

October 22, 2015

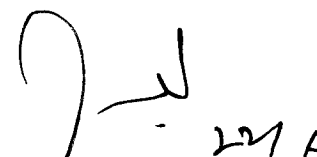
Forwarded for information please.


Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Lahore Region
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)
5. Member (Licensing)


DR II

Registrar
By No.
Dated 22-10-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-056/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Major M.A. Zaidi through Mr. Muhammad Riaz, Resident of 29- Rajgarh road, Lahore.

.....Respondent

For the appellant:

Arshad Mehmood Advocate

For the respondent:

Nemo

DECISION

1. Brief facts giving rise to the instant appeal are that the appellant (LESCO) 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. 09-11241-0662699 with a sanctioned load of 5 kW under A-1a tariff. An amount of Rs.156,983/- was added by LESCO in the bill of respondent for the month of June 2014 and being aggrieved with the said, detection bill the respondent filed an application before Provincial Office of Inspection Lahore Region, Lahore (hereinafter referred to as POI) and challenged the above aforementioned detection bill. POI



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decided the matter on 10.03.2015 with the following conclusion:-

“Summing up the foregoing discussion, it is held that the impugned detection bill amounting to Rs.156,983/- charged in the bill for the month of 06/2014 is void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills.”

2. Being aggrieved with the POI decision date 10.03.2015, LESCO 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).
3. The respondent was issued a notice for filing reply/parawise comments which were not submitted.
4. After issuing notice to both the parties the appeal was heard in Lahore on 06.10.2015 in which Mr. Arshad Mehmood Advocate appeared for the appellant but there was no attendance as usual for the respondent. Since it was noticed from the record that apparently the appeal was time barred therefore, the learned counsel for the appellant was required to first satisfy the Appellate Board on the question of limitation. The learned counsel for the appellant contended that the impugned decision was announced on 10.03.2015 in the absence of LESCO and on receipt of the intimation on 30.04.2015, application was made for the copy and the copy was received on the same day. According to the learned counsel for LESCO the appeal was filed on 29.05.2015 which was within time limit as prescribed in the law. He pleaded that the appeal may be decide on merit in the interest of justice. It has been observed from the record that the impugned decision was announced on 10.03.2015 and intimation whereof was given by POI to the parties on the same day. LESCO applied for copy of the impugned decision on 30.04.2015 and it was delivered on the same day. The appeal was filed by LESCO on 29.05.2015 which is after the time limit as provided in the law.
5. The relevant provisions of law regarding limitation are referred as under:-



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- Section 38(3) of the Act.

Any person aggrieved by any decision or order of the Provincial Office of Inspection may, within thirty days of the receipt of the order, prefer an appeal to the Authority in the prescribed manner and the Authority shall decide such appeal within sixty days

- Regulation 3 of NEPA (Procedure for filing appeals) regulations, 2012:

3. Filing of appeal.- (1) Any person aggrieved by any decision or order of the single Member of the Authority or Tribunal constituted under section 11 of the Act or from a decision given by the Provincial office of Inspection may, within 30 days of the order or decision file an appeal before the Authority.

6. From bare perusal of above referred provisions it can be safely suggested that the appeal should be filed within 30 days of the announcement of the decision. It has been observed that the impugned decision was announced by POI on 10.03.2015 and the appeal was filed with NEPRA on 29.05.2015 i.e. after 81 days of its announcement by POI. Evidently LESCO failed to file the appeal within the time limit of 30 days as prescribed under section 38 of the Act for which no proper explanation or reasoning was been given by LESCO. Therefore it is concluded that the appeal is time barred and resultantly the same is dismissed on this ground.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 22.10.2015