



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

NEPRA Office, Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600028
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-064/POI-2015/ 938-941

September 30, 2015

1. Mst. Asmat Begum,
R/o House No. 639,
Umar Block, Allama Iqbal Town,
Lahore
2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mian Muhammad Javaid,
Advocate Supreme Court,
4-Link Farid Kot Road,
Lahore
4. Sub Divisional Officer
LESCO Ltd,
Canal Road Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Mst. Asmat Begum Against the Decision Dated 31.03.2015 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the decision of the Appellate Board dated 30.09.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-064/POI-2015/ 942

September 30, 2015

Forwarded for information please.

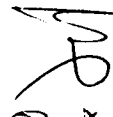

Member Appellate Board

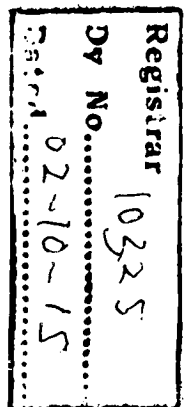
1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Lahore Region
4. Master File

CC:

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

- D/Rg-I
- C/F


02.10.15





National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-064/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mst. Asmat Begum, R/o House No. 639, Umar Block, Allama Iqbal Town, Lahore

.....Respondent

For the appellant:

Mian Muhammad Javaid 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 commercial consumer bearing Ref No. 09-11233-0698600 with a sanctioned load of 1.0 kW under A-2a tariff. . The meter of the respondent was replaced by LESCO on 16.04.2014 due to burnt terminal and LESCO charged detection bill of Rs. 197,971/- for 3,309 units for the period May 2013 to July 2013 which was included in the bill for August 2013. The respondent being aggrieved with the said bill filed an application before Provincial Office of Inspection/Electric Inspector Lahore



National Electric Power Regulatory Authority

Region, Lahore (hereinafter referred to as POI) which was decided on 31.03.2015 with following conclusion:-

"Summing up the foregoing discussion, it is held that the impugned detection bill amounting to Rs 197,971/- for 3309 units for the period from 05/2013 to 07/2013 charged in the months of 08/2014 & 09/2014 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 31.03.2015, LESCO has filed the instant appeal before NEPRA under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act). LESCO, inter alia, contended that the impugned decision passed by POI was given without applying his independent and judicious mind, without consideration of facts and law.
3. The respondent was issued a notice for filing reply/parawise comments which were not submitted.
4. Hearing of the appeal was fixed for 12.9.2015 at Lahore and notice thereof was served upon both the parties. On the date of hearing, no one entered appearance on behalf of respondent. However Mian Muhammad Javaid Advocate appeared for the appellant.
5. While perusing the record, it was noticed that the appeal is prima facie barred by time, therefore, learned Counsel for the appellant was required to first discuss the question of limitation. Learned counsel for LESCO contended that the impugned decision announced by POI on 31.03.2015 was received on 04.05.2015 and the appeal was filed before NEPRA within time. He further stated that delay if any in filing of the appeal was not intentional but due to unavoidable circumstances which may be condoned. Learned counsel for the appellant argued that no limitation can run against the illegal order and as per decisions of the superior courts the cases are required to be decided on merit instead of being rejected on technicalities. It was observed from the record that the impugned decision was announced by POI on 31.03.2015 and copy whereof was received by the appellant on 04.05.2015. The appeal was filed by LESCO on 06.07.2015 which has obviously been filed after the time limit as prescribed in the law.

1



National Electric Power Regulatory Authority

6. The relevant provisions of law regarding limitation are referred as under:-

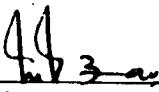
• **Section 38(3) of the Act.**

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.*


7. 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 31.03.2015 and the appeal was filed with NEPRA on 06.07.2015 i.e. after 96 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. As a matter of fact LESCO is required to explain and justify each day of the delay in filing the appeal after the decision was pronounced on 31.03.2015 and copy was received on 04.05.2015 but LESCO failed to do so. Therefore it is concluded that the appeal is time barred and the same is dismissed accordingly.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Date: 30.09.2015