



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

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No. NEPRA/AB/Appeal-074/POI-2015/ 1046-1049

October 22, 2015

1. Sh. Moazam Ali
R/o House No. 58,
Canal Colony, Thokar Niaz Baig,
Irrigation Department,
Lahore

2. The Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore

3. Muhammad Arif Malhi
Advocate High Court,
01-District Courts,
Sheikhupura

4. The Assistant Manager (Op),
LESCO Ltd,
Sharqpur Sub Division,
Lahore

Subject: Appeal Titled LESCO Vs. Sh. Moazam Ali Against the Decision Dated 28.04.2015 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-074/POI-2015/ 1050

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	11/87
By No.	
Dated 22-10-15	



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-074/POI-2015

Lahore Electric Supply Company Limited

.....Appellant

Versus

Sh. Moazzam Ali S/o Haji Ghulam Nabi, Resident of Scarp colony, Sharaqpur, District Sheikhpura.

.....Respondent

For the appellant:

Muhammad Arif Malhi Advocate

For the respondent:

M. Moazzam Ali

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. 13-11126-1268400 with a sanctioned load of 1 kW under A-1 tariff. The meter of the respondent was checked by Metering and Testing Department of LESCO on 22.10.2014 and reportedly found tampered and the connected load was observed as 2.9kW plus one air conditioner. Notice dated 23.10.2014 was issued by LESCO to the respondent for the above discrepancy. Detection bill of Rs.116,558/- for 5,119 units for the



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period April 2014 to September 2014 was added in the bill of respondent for the month of November 2014 on connected load basis.

2. The respondent being aggrieved with the said detection bill filed an application before Provincial Office of Inspection Lahore Region, Lahore (hereinafter referred to as POI) on 27.11.2014 and challenged the aforementioned detection bill. POI decided the matter on 28.04.2015 with the following conclusion:-

"Summing up the foregoing discussion, it is held that the detection bill amounting to Rs.116,558/- for 5119 units for the period from 04/2014 to 09/2014 added in the bill for the month of 11/2014 is void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. However, the respondents are allowed to charge a revised detection bill for the said period on the basis of consumption recorded during the corresponding period of the previous year i.e. from 04/2013 to 09/2013 being disputed between the parties, after excluding the already charged units during the said period. The respondents are directed to over-haul the account of the petitioner accordingly and any excess amount recovered be adjusted in future bills and restore the electric supply of the petitioner accordingly by installing a new meter at site."

Being aggrieved with the above referred decision, 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). 4. The respondent was issued a notice for filing reply/parawise comments which were not submitted.

3. Hearing of the appeal was fixed in Lahore on 06.10.2015 in which both the parties participated. Mr. Muhammad Arif Malhi Advocate, appeared for LESCO and Mr. M. Moazzam Ali, the respondent appeared in person. From the perusal of the record it was noticed that the appeal is prima facie time barred and therefore, the learned counsel for the appellant was required to argue the matter on the point of limitation. The learned counsel stated that the reasons for the delay were fully explained in the application for condonation of delay. He reiterated that after receipt of the copy of the impugned decision the appeal was filed before NEPRA and the delay if any in filing the appeal may be condoned. As per learned counsel, if condonation was not

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granted and the appeal was not decided on merits the appellant would suffer an irreparable loss and injury.

4. From the perusal of record, it is observed that the impugned decision was announced on 28.04.2015 and copy whereof was received by LESCO on 02.06.2015. The appeal was filed by LESCO on 29.07.2015 which has obviously been filed after the time limit as prescribed in the law.
5. 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.

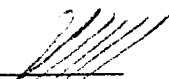
7. From bare perusal of above referred provisions it can be safely suggested that the appeal should had been filed within 30 days of the announcement of the decision. It has been observed that the impugned decision was announced by POI on 28.04.2015 and copy of the order was received by LESCO on 02.06.2015 but the appeal was filed with NEPRA on 29.07.2015, i.e., after the time period prescribed for the purpose. Resultantly the appeal is dismissed being barred by time.



Muhammad Qamar-uz-Zaman
Member



Nadir Ali Khoso
Convener



Muhammad Shafique
Member

Date: 22.10.2015