



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

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No. NEPRA/AB/Appeal-103/POI-2016/ 638-641

April 27, 2017

1. Muhammad Yaqoob,
Prop: Yaqoob Ice Factory,
Bohy Asal, Tehsil Pattoki,
District Kasur
2. Chief Executive Officer
LESCO Ltd,
22-A Queens Road,
Lahore
3. Mehar Shahid Mahmood,
Advocate High Court,
Office No. 25, 3rd Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. Deputy Manager (Operation),
LESCO Ltd,
Chunian Division,
Chunian

Subject: Appeal Titled LESCO Vs. Muhammad Yaqoob Against the Decision Dated 19.04.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 27.04.2017, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/AB/Appeal-103/POI-2016/ 642
Forwarded for information please.

(Ikram Shakeel)

April 27, 2017

Assistant Director
Appellate Board

1. Registrar
2. Director (CAD)

CC:

1. Member (CA)



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-103/POI-2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Yaqoob, Yaqoob Ice Factory, Bohy Asal,
Tehsil Pattoki, District Kasur

.....Respondent

For the appellant:

Mehar Shahid Mehmood Advocate
Mr. Irfan Liaqat Ali

For the respondent:

Mr. Muhammad Yaqoob

DECISION

1. The respondent is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.11-1444-046666003-R. As per fact of the case, Provincial Office of Inspection Lahore Region, Lahore (hereinafter referred to as POI) vide its decision dated 22.12.2005 (first impugned decision) cancelled the irregular bills for the period 04.06.2001 to 10.10.2001 charged by LESCO to the respondent. Being aggrieved, the respondent filed an application dated 10.06.2008 before POI against non-implementation of the first impugned decision and submitted that he approached LESCO for restoration of electric supply as per first impugned decision but LESCO asked him to deposit a demand note of Rs.250,000/- including cost of transformer and meter for restoration





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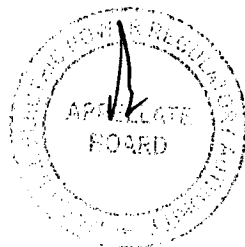
of the supply, which was not deposited by him being illegal and unjustified.

The respondent prayed for implementation of first impugned decision and for restoration of his electric supply. The respondent further pleaded that due to non-restoration of supply, a loss of Rs. 2 Million has been sustained, which is recoverable from LESCO.

2. The matter was disposed of by POI vide its decision dated 19.04.2016 (hereinafter referred to as the second impugned decision) with the following conclusion:

“From bare perusal of the record on the face of the file, it is safely concluded that the Respondents did not file any appeal against the decision of Electric Inspector, Lahore Region, Lahore/Provincial Office of Inspection as mentioned above in Para 8 and also did not file any appeal before NEPRA Appellate Authority under Section 38(3) and therefore the decision dated 22.12.2005 announced by the POI/Electric Inspector Lahore has attained its finality. Respondents/LESCO concerned Authorities are therefore directed to implement the decision of POI/Electric Inspector Lahore dated 22.12.2005 immediately within a month in accordance with the law. The application of the petitioner is disposed of in above terms.”

3. Being dissatisfied with the first and second impugned decisions, LESCO has filed the instant appeal before NEPRA under Section 38 (3) of NEPRA Act 1997. In its appeal, inter alia, LESCO contended that the first impugned decision was pronounced on ex-parte basis, which is illegal and liable to be set aside. LESCO





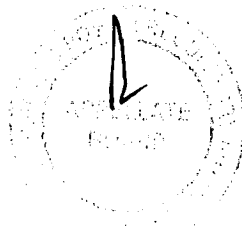
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further averred that the second impugned decision was rendered on the basis of illegal presumption, hence the same is also not maintainable. As per LESCO's version, if the impugned decisions are not set aside, LESCO would suffer irreparable loss and injury. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which however were not filed.

4. Hearing of the appeal was conducted in the provincial office NEPRA Lahore on 20.04.2017 in which Mehar Shahid Mahmood advocate entered the appearance for the appellant LESCO and Mr. Muhammad Yaqoob the respondent appeared in person. Learned counsel for the appellant LESCO reiterated the same arguments as described in memo of the appeal and contended that both the impugned decisions were pronounced without hearing LESCO and without consideration of the record available before POI. Conversely the respondent defended both the impugned decisions and prayed for upholding the same.

5. Foregoing in consideration, it is concluded as under:

- i. First impugned decision was pronounced by POI on 22.12.2005, copy thereof was obtained by LESCO on 11.06.2007. It is observed that no appeal against the first impugned decision was filed by LESCO before the Advisory Board Government of Punjab Lahore being competent forum as envisaged in clause 10 of Punjab (Establishment and Powers of Office of Inspection) Order, 2005. Moreover LESCO failed to give any reason for non-implementation of the first impugned decision. Therefore we are inclined to agree with the determination of POI that the





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first impugned decision rendered by POI has attained finality and should be implemented.

- ii. As regards the loss of Rs. 2 Million claimed by the respondent due to non-restoration of its supply and refusal to pay the reconnection charges of Rs.250,000/-, it is clarified that these issues do not fall in the jurisdiction of POI and have rightly been excluded by POI in the second impugned decision.

6. In view of the above, the appeal is dismissed.

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Muhammad Qamar-uz-Zaman
Member

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

Nadir Ali Khoso
Convener

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Muhammad Shafique
Member

Dated: 27.04.2017