



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

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No. NEPRA/AB/Appeal-124/POI-2016/ 1836-1841

November 30, 2017

1. Nasar Iqbal,  
S/o Manzoor-ul-Haq,  
R/o 07-A, Punjab Govt. Servant Housing Foundation,  
Mohlanwal, Multan Road,  
Lahore
2. Chief Executive Officer  
LESCO Ltd,  
22-A, Queens Road,  
Lahore
3. Saced Ahmed Bhatti  
Advocate High Court,  
Second Floor, Akram Mansion,  
Neela Gumbad, Lahore
4. Muhammad Younas Chaudhary,  
Advocate High Court,  
Chaudhary Law Associates,  
4-Begum Road, Lahore
5. Sub Divisional Officer,  
LESCO Ltd,  
Chung Sub Division,  
Lahore
6. Electric Inspector  
Lahore Region, Energy Department,  
Govt. of Punjab, Block No. 1,  
Irrigation Complex, Canal Bank,  
Dharampura, Lahore

Subject: Appeal Titled LESCO Vs. Nasar Iqbal Against the Decision Dated 14.07.2016 of the Electric Inspector/POI to Government of the Punjab Lahore Region, Lahore

Please find enclosed herewith the Decision of the Appellate Board dated 29.11.2017, regarding the subject matter, for information and necessary action accordingly.

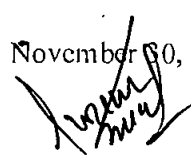
Encl: As Above

No. NEPRA/AB/Appeal-124/POI-2016/ 1842

Forwarded for information please.

(Ikram Shakeel)

November 30, 2017

  
Assistant Director  
Appellate Board

✓ 1. Registrar

CC:

1. Member (CA)



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-124/POI-2016

Lahore Electric Supply Company Limited

.....Appellant

Versus

Nasar Iqbal S/o Manzoor-ul-Haq, R/o 07-A,  
Punjab Government Servant Housing Foundation,  
Mhlanwal, Multan Road, Lahore

.....Respondent

For the appellant:

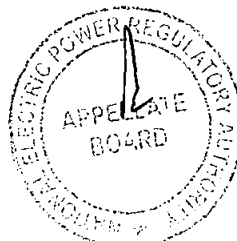
Mr. Saeed Ahmed Bhatti advocate

For the respondent:

Mr. Fida Hussain

## DECISION

1. This decision shall dispose of the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) against the decision dated 14.06.2016 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as POI).
2. As per facts of the case, the respondent is a domestic consumer of LESCO bearing Ref No.19-11235-1321706-U with a sanctioned load of 8 kW under A-1 tariff. Respondent being aggrieved with the irregular billing, filed an application dated 14.09.2015 before POI and challenged the electricity bills amounting to Rs.44,556/-, Rs.75,239/- and Rs.181,026/- charged in the billing months of June 2014, July 2014 and August 2014 respectively. POI provided the opportunity of hearing to both the parties but



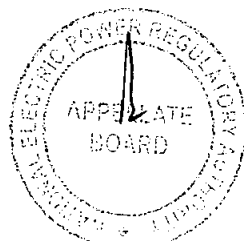


## National Electric Power Regulatory Authority

LESCO failed to file reply/parawise comments and appear before POI in spite of notices.

The matter was disposed of by POI vide its decision dated 14.06.2016 on ex-parte basis.

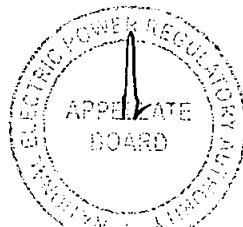
3. Being dissatisfied with the POI decision dated 14.06.2016 (hereinafter referred to as the impugned decision), LESCO has filed the instant appeal under Section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the NEPRA Act, 1997). In its appeal, LESCO contended that neither any notice was served upon nor any notice was received from POI. LESCO pleaded that the impugned ex-parte decision may be declared illegal, void and without jurisdiction and be set aside and the case be remanded back to POI for adjudication on merit after providing opportunity of the hearing.
4. Notice of the appeal was issued to the respondent for filing reply/parawise comments, which were filed on 30.08.2016. In his reply, the respondent raised the objection regarding limitation and pleaded for rejection of the appeal being barred by time. The respondent further contended that the electricity bills for the period June 2014 to August 2014 were illegally issued by LESCO and the same were ab initio ultra vires and mala fide. As per respondent, repeated notices were issued by POI but LESCO failed to plead the case and consequently after expiry of more than nine months, the matter was decided on ex-parte basis in accordance with law. The respondent defended the impugned decision and submitted that no illegality, perversity or jurisdiction, defect was pointed out in the impugned decision, therefore the present appeal deserves dismissal with the special costs.





## National Electric Power Regulatory Authority

5. After issuing notice, the appeal was fixed for hearing in the provincial office NEPRA Lahore on 23.10.2017 in which Mr. Saeed Ahmed Bhatti learned counsel entered appearance for the appellant LESCO and Mr. Fida Hussain represented the respondent. Learned counsel for LESCO reiterated the same arguments as narrated in memo of the appeal and pleaded that the case be remanded back to POI for adjudication on merits after hearing both the parties. Conversely, the representative for the respondent submitted that the reply/parawise comments to the appeal be treated as arguments and pleaded for maintainability of the impugned decision.
6. Arguments of both the parties heard and the record examined. Following are our observations:
  - i. There is no force in the contention of the respondent regarding the limitation. Impugned decision was pronounced by POI on 14.06.2016, copy of the same was received by LESCO on 15.06.2016 and consequently the appeal was filed before NEPRA on 15.07.2016, which is within the time limit as provided under Section 38 (3) of NEPRA Act, 1997.
  - ii. It is an admitted position that the impugned decision was given by the POI on ex-parte basis, whereas the law warrants adjudication of the cases on merits instead of ex-parte basis.
7. For the foregoing reasons, without going into the merits of the case, the case is remanded back to the Provincial Office of Inspection for decision afresh on merits after





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providing due opportunity of hearing to both the parties.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Dated: 29.11.2017

