



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal/097/POI/2019/127


January 19, 2021

1. Haroon Ghani Cheema
S/o. Muhammad Ghani Cheema,
Cheema Farm House,
Mouza Sangrai Ferozwala,
District Sheikhpura
2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mehar Shahid Mehmood
Advocate High Court,
Office No. 34, Third Floor,
Ali Plaza, 3-Mozang Road,
Lahore
4. Sub Divisional Officer (Opr),
LESCO Ltd,
Burj Attari Sub Division,
District Sheikhpura
5. Electric Inspector/POI
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: **Appeal Titled LESCO Vs. Haroon Ghani Cheema Against the Decision Dated 09.10.2018 of the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 07.01.2021, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (M&E)
Appellate Board

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board National Electric Power Regulatory Authority Islamabad

In the matter of

Appeal No.097/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Haroon Ghani Cheema S/o Muhammad Ghani Cheema, Cheema Farm
House, Mouza Sangrai Ferozwala, District Sheikhpura

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 09.10.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION LAHORE**

For the appellant:

Mehar Shahid Mehmood advocate

For the respondent:

Nemo

DECISION

1. As per fact of the case, the respondent is an agricultural consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.45-11127-0031104 having the tariff D-2b. The respondent challenged the bills of 49,928 units for the period October 2016 to April 2018 before the Provincial Office of Inspection (POI). According to POI, the opportunity of hearing was provided to both the parties but LESCO failed to appear before POI in-spite of repeated notices. The matter was disposed of by POI vide decision dated 09.10.2018 on ex-parte basis and the bills of 49,928 units for the period October 2016 to April 2018 were declared as null and void.



National Electric Power Regulatory Authority

2. The appeal in hand has been filed by LESCO against the POI decision dated 09.10.2018 (hereinafter referred to as the impugned decision), wherein LESCO contended that no notice was received from POI regarding the hearing of the complaint and the appellant came to know about the impugned decision when the respondent approached for the implementation of the impugned ex-parte decision. LESCO further contended that the Honorable Supreme Court of Pakistan in various judgments has decided that the matter may be decided on merits instead of technical grounds in the interest of justice. LESCO prayed for setting aside the impugned decision and for remanding back the case to POI for the decision on merits. Notice for filing reply/para-wise comments to the appeal was served to the respondent, which however were not filed.

3. After issuing notice, the appeal was fixed for hearing in the NEPRA Regional Office Lahore on 14.12.2020 in which learned counsel appeared for LESCO and no one represented the respondent. Learned counsel for LESCO contended that in response to the notice of POI, the reply of the petition was submitted to the said forum, and later on, no notice was received by LESCO for hearing. As per learned counsel for LESCO, the impugned decision was passed by POI on ex-parte basis without providing the opportunity of hearing to the appellant. Learned counsel submitted that the matter be remanded back to POI for deciding the same after hearing their arguments and consideration of record placed before him. There is no rebuttal to the contentions of learned counsel for LESCO as none is present to argue for the respondent.

12



National Electric Power Regulatory Authority

4. In view of the facts narrated above, we are convinced that the impugned decision was pronounced on ex-parte basis without entertaining the stance of the appellant. Hence the matter is remanded back to POI for deciding afresh in accordance with law after providing the opportunity of hearing to both the parties.
5. The appeal is disposed of in the above terms.

Muhammad Qamar-uz-Zaman
Member/SA (Finance)

Muhammad Shafique
Member/SA (Legal)

Nadir Ali Khoso
Convener/DG (M&E)

Dated: 07.01.2021