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

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No. NEPRA/Appeal/131/POI/2020/ 030 January 11, 2023

1. Syed Qasim Ali Shah,
R/o. 560-B, Block-M,
Model Town, Lahore

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

3. Syed Ghazanfar Hussain Kamran,
Advocate High Court,
Office No. 06, Aftab Tower,
16-Syed Moj Darya Road, Lahore

4. Sub Divisional Officer,
LESCO Ltd,
Faisal Town Sub Division,
Lahore

5. POI/Electric Inspector,
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: **Appeal Titled LESCO Vs. Syed Qasim Ali Shah Against the Decision Dated 28.01.2020 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 05.01.2023, 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. Additional Director (IT) –for uploading the decision on NEPRA website

Before The Appellate Board

In the matter of

Appeal No. 131/POI-2020

Lahore Electric Supply Company Limited .....Appellant

Versus

Syed Qasim Ali Shah, R/o. 560-B,
Block-M, Model Town, Lahore .....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 28.01.2020 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the Appellant:
Mr. Ghazanfar Hussain Kamran Advocate

For the Respondent:
Nemo

DECISION

1. As per fact of the case, the Respondent namely, Syed Qasim Ali Shah is a domestic consumer of the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.15-11511-1425700-U having sanctioned load of 05 kW and the applicable tariff category is A-1b. Reportedly, one phase of the billing meter of the Respondent was found dead stop during the Metering & Testing ("M&T") team checking dated 05.12.2013 for which notice dated 11.12.2013 was issued to the Respondent. Subsequently, a detection bill of Rs.169,904/- for 7,179 units for the period June 2013 to November 2013 (06 months) was debited to the Respondent on the

basis of data retrieval report and added to the bill for July 2019.

2. Being dissatisfied, the Respondent filed a complaint before the Provincial Office of Inspection Lahore Region, Lahore (the "POI"), and disputed the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 28.01.2020, wherein the detection bill of Rs.169,904/- for 7,179 units was cancelled. As per the POI decision dated 28.01.2020, the Appellant was directed to revise the bills for October 2013 and onwards till the replacement of the impugned billing meter as per consumption of corresponding months of the previous year.

3. Subject appeal was initially filed against the afore-referred decision dated 28.01.2020 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA on 16.09.2020, which was returned owing to certain deficiencies. The Appellant resubmitted the appeal before the NEPRA on 03.11.2020. In the appeal, the Appellant opposed the impugned decision *inter alia,* on the following grounds that the impugned decision is against the law and facts of the case and has been passed without applying judicious mind; that the same is based upon the misreading of record and evidence which is a violation of principles of natural justice; that the POI erred in holding; that the impugned billing meter running correctly, which is illegal, unlawful, void and the impugned decision is liable to be set aside.

4. **Proceedings by the Appellate Board**

4.1. Upon the filing of the instant appeal, a Notice dated 05.01.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days

which however was not filed.

5. **Hearing**

5.1. The hearing was initially fixed for 13.10.2022 at NEPRA Regional Office Lahore which was adjourned for 24.11.2022 due to non-presence of Respondent. Again on 24.11.2022, no one appeared for Respondent, however, this time proceedings commenced with the question of limitation was raised by this forum. In response, learned counsel for the Appellant submitted that the impugned decision was passed by the POI on 28.01.2020, copy of which is received on 16.06.2020, and the appeal was filed before the NEPRA on 03.11.2020. Learned counsel for the Appellant further submitted that the delay in filing the appeal was not intentional and the time consumed in filing the same was due to internal departmental process. Counsel for the Appellant prayed that the delay in filing the appeal be condoned in the best interest of justice and that the appeal be decided on merits.

6. Arguments were heard and the record placed before us was examined. Following are our findings:

6.1 Before going into the merits of the case, the point of limitation needs to be addressed. It is observed that the impugned decision was announced by the POI on 28.01.2020, copy of the same was obtained by the Appellant on 16.06.2020 and the present appeal was preferred before the NEPRA on 16.09.2020 against the impugned decision dated 28.01.2020. As per Section 38(3) of the NEPRA Act, any aggrieved person may file an appeal before NEPRA within 30 days from the date of receipt of the impugned decision. Therefore the appeal is delayed by ninety (90) days from the date of receipt of the impugned decision.

6.2 The initially submitted appeal was deficient in respect of compliance with the relevant provisions of the NEPRA (Procedure for filing Appeals) Regulations 2012, therefore the same was returned to the Appellant. The Appellant resubmitted the appeal on 03.11.2020 but no application for the condonation of delay was filed.

6.3 As such the appeal was filed before the NEPRA on 16.09.2020 i.e. after a lapse of ninety (90) days from the date of receipt of the impugned decision i.e. 16.09.2020 and no sufficient reasons have been given by the Appellant to justify the condonation of delay. Hence the contention of the Appellant for the condonation of the delay is rejected being devoid of force.

7. Forgoing in view, the appeal is barred by time, hence dismissed.

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 05-01-2023