



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

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No. NEPRA/AB/Appeal-038/POI-2015/ 1011-1014

October 20, 2015

1. Mst. Naghmana Zia  
W/o Muhammad Nazir,  
Through Muhammad Saad,  
Real Brother,  
R/o Chak No. 7/B,C,  
Bahawalpur
2. The Chief Executive Officer  
MEPCO Ltd,  
Khanewal Road,  
Multan
3. Malik Anwarul Haq  
Advocate High Court,  
Seat No. 1-A, Anwar Block,  
District Courts, Multan
4. Shamsul Haq  
Sub Divisional Officer (Op),  
MEPCO Ltd,  
Baghdad-ul-Jadeed Sub Division,  
Bahawalpur

Subject: Appeal Titled MEPCO Vs. Mst. Naghmana Zia Against the Decision Dated 08.07.2011 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 19.10.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-038/POI-2015/ 1015

October 20, 2015


Forwarded for information please.

  
Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Multan Region
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)
5. Member (Iicensing)

  
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Registrar	11180
By No.....	
Dated.....	22-10-15



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-038/POI-2015

Multan Electric Power Company Limited

.....Appellant

Versus

Mst. Naghmana Zia, W/o Muhammad Nazir (Through Muhammad Saad), Real Brother, R/o  
Chak No. 7/B,C, Bahawalpur

.....Respondent

For the appellant:

Anwarul Haq Advocate  
Hameed-ur-Rehman LS-I

For the respondent:

Nemo

## DECISION

1. Brief facts giving rise to the instant appeal are that the appellant (MEPCO) 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 consumer having a swimming pool connection bearing Ref No. 15-15414-0000473 with a sanctioned load of 01 kW initially under tariff A-1 which was later on converted to A-2 tariff. As per fact of the case, on recommendation of audit note

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No. 27 dated 06.06.2010, a detection bill of Rs. 114,072/- for the period May 2008 to August 2008 and June 2009 to October 2009 with an average consumption of 1,405 units per month with applicable tariff A-2 was issued in September 2010 to the respondent. The respondent challenged the detection bill before Provincial Office of Inspection Multan Region, Multan (hereinafter referred to as POI) who decided the matter vide its decision dated 08.07.2011 with the following conclusion:-

*"Thus the respondents are hereby directed to withdraw the detection bill of Rs. 1,01,619/- (appeared as an arrears in the bill of 09/2010 for the cost of 6494-units) and revise it for 1693-units only under commercial tariff A-2 for the revised period 05/2008 to 08/2008 and 05/2009 to 08/2009. No L.P.S. should be levied and recorded from the petitioner while overhauling the account. All the credits, debits & payments made may also be adjusted accordingly.*

2. Being aggrieved with the aforementioned decision, MEPCO filed an appeal before Advisory Board Punjab, Lahore (hereinafter referred to as Advisory Board) on 07.10.2011. Advisory Board after conducting proceedings of hearing decided the matter vide its decision dated 18.12.2014 and concluded that appeal against decision of POI shall lie before NEPRA. MEPCO applied for certified copy on 07.01.2015 which was delivered to it on 13.04.2015 and the appeal was filed before NEPRA on 11.05.2015 under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act).
3. Notice of the appeal was issued to the respondent but no reply/parawise comments were filed by her. Hearing of the appeal was fixed for 29.9.2015 in Multan for which notices were issued to the parties.
4. On the date of hearing, no one appeared on behalf of respondent. However Mr. Anwarul Haq Advocate appeared for the appellant. While perusing the record, it was noticed that the appeal is prima facie barred by time, therefore, learned Counsel for the appellant was



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required to first discuss the question of limitation. Learned counsel for MEPCO contended that the impugned decision was announced by POI on 08.07.2011 and initially the appeal was filed before Advisory Board which gave its decision on 18.12.2014. He averred that application for certified copy was made on 07.01.2015 but the copy was delivered on 13.04.2015. Learned counsel for MEPCO pleaded that pursuant to the direction of the Advisory Board, the appeal was filed before NEPRA on 11.05.2015 which was within 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.-** *(I) 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.*

- **Punjab (Establishment and powers of office of Inspection) Order, 2005.**

**10. Appeal.-** *An aggrieved person may file an appeal against the final order made by the Office of Inspection before the Government or if the Government, by general or special order, so directs, to the advisory board constitute under Section 35 of the Electricity Act 1910, within 30 days, and the decision of the Government or advisory board, as the case may be, shall be final in this regard.*

6. From the above referred provisions it is obvious that the appeal against the decision of POI was to be filed within 30 days of its announcement but it is observed that impugned decision was announced by POI on 08.07.2011 and the appeal was filed before Advisory Board on 07.10.2011 i.e. after lapse of 90 days. Further that it was concluded by the Advisory Board on 18.12.2014 that the relevant forum is NEPRA, yet the appeal before NEPRA was filed on

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11.05.2015, therefore, not only the appeal before Advisory Board was time barred but also the same is not filed before NEPRA within stipulated time even after the decision of the Advisory Board. It is therefore established without any reasonable doubt that the appeal filed by MEPCO is barred by time and the same is dismissed accordingly.

Muhammad Qamar-uz-Zaman  
Member

Muhammad Shafique  
Member

Nadir Ali Khoso  
Convener

Date: 19.10.2015