



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

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No. NEPRA/Appeal/050/2023/ 241

March 25, 2025

1. Abdul Majeed,  
S/o. Muhammad Ramzan,  
Through Zawar Hussain,  
Karmang Balla, Shinkiari,  
Mansehra  
Cell No. 0333-4801344
2. Chief Executive Officer  
PESCO Ltd,  
WAPDA House, Sakhi Chashma,  
Shami Road, Peshawar
3. Executive Engineer (Operation),  
PESCO Ltd,  
Rural Division, Mansehra  
Cell No. 0330-9970730
4. Sub Divisional Officer (Operation),  
PESCO Ltd,  
Shinkiari-II Sub Division,  
Shinkiari
5. POI/Electric Inspector,  
Abbottabad Regional Office,  
CB.81, Iqbal Road, Supply Bazar,  
Abbottabad  
Phone No. 0992-405582

Subject: **Appeal No.050/2023 (PESCO Vs. Abdul Majeed) Against the Decision Dated 04.10.2022 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa Abbottabad Region, Abbottabad**

Please find enclosed herewith the decision of the Appellate Board dated 25.03.2025 (03 pages), regarding the subject matter, for information and necessary action, accordingly.

**Encl: As Above**

  
**(Ikram Shakeel)**  
**Deputy Director**  
**Appellate Board**

Forwarded for information please.

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



# National Electric Power Regulatory Authority

## Before the Appellate Board

In the matter of

Appeal No.050/POI-2023

Peshawar Electric Supply Company Limited

.....Appellant

Versus

Abdul Majeed S/o. Muhammad Ramzan Through Zawar Hussain,  
Karmang Balla, Shinkari, Mansehra

.....Respondent

## **APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997**

For the Appellant:

Mr. Muhammad Arif Kamal RO

For the Respondent:

Mr. Abdul Majeed

### **DECISION**

1. Through this decision, the appeal filed by Peshawar Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 04.10.2022 of the Provincial Office of Inspection, Abbottabad Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Abdul Majeed (hereinafter referred to as the "Respondent") of the Appellant bearing Ref No.30-26732-0001030 having a sanctioned load of 140 kW and the applicable tariff category is B-2(b). The metering equipment of the Respondent was checked by the Appellant on 19.03.2018 and reportedly, the billing meter was found 33.33% slow due to the blue phase being dead. Therefore, a detection bill of 29,237 (OP=26,694+P=2,543) units+72 kW MDI for the period from 01.01.2018 to 19.03.2018 (2.5 months) was charged to the Respondent., which was challenged by him before the POI. The said forum vide decision dated 04.10.2022 cancelled the aforesaid detection bill.
3. Being dissatisfied, the Appellant filed instant appeal against the decision dated 04.10.2022 of the POI (hereinafter referred to as the "impugned decision") before the NEPRA u/s 38(3) of the NEPRA Act. In its appeal, the Appellant contended that the impugned meter of the Respondent remained 33% slow from 26.08.2017 to 19.03.2018 as verified by the M&T vide report dated 20.03.2018, which resulted in the loss of 60,220 units, however, the Respondent was debited a detection bill of



11/



## National Electric Power Regulatory Authority

29,237 (OP=26,694+P=2,543) units+72 kW MDI for the period from 01.01.2018 to 19.03.2018 (2.5 months). The Appellant further contended that once the notice was served to the Respondent, the POI had no jurisdiction to adjudicate the matter. As per the Appellant, the POI ignored the legal objections and issued the impugned decision based on assumptions, which resulted in financial damage. The Appellant finally prayed for setting aside the impugned decision.

4. Notice dated 10.05.2023 of the appeal was issued to the Respondents for filing reply/para-wise comment, which however were not filed.

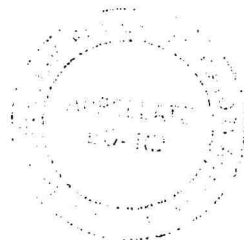
### 5. Hearing

5.1 Hearing of the appeal was conducted at NEPRA Head Office Islamabad on 05.11.2024, wherein both parties were in attendance. The official representing the Appellant repeated the same arguments as contained in memo of the appeal and argued that the billing meter remained 33.33% slow for the period from 26.08.2017 to 19.03.2018 as confirmed by the M&T vide letter dated 20.03.2018. The representative for the Respondent contended that the detection bill of 29,237 (OP=26,694+P=2,543) units+72 kW MDI for the period from 01.01.2018 to 19.03.2018 (2.5 months) was debited to the Respondent to recover the revenue loss sustained by the Appellant. As per the Appellant, the impugned decision is unjustified as the POI neither considered the relevant provisions of the CSM-2021 nor adduced the arguments of the Appellant and rendered the impugned decision, which is liable to be struck down.

5.2 On the contrary, the Respondent raised the preliminary objection regarding limitation and argued that the appeal filed before the NEPRA is barred by time. He further opposed the version of the Appellant for recovery of the impugned detection bill, supported the impugned decision for cancellation of the same, and prayed for upholding the same.

6. Having heard the arguments and record perused. Following are our observations:

6.1 While addressing the point of limitation, it is observed that a copy of the impugned decision dated 04.10.2022 was obtained by the Appellant on 07.11.2022 and subsequently preferred the instant appeal before NEPRA on 28.12.2022 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of fifty-one (51) days from the date of receipt of the impugned decision. Registrar NEPRA vide letter dated 02.01.2023 returned the appeal with the direction to resubmit the same within ten days after fulfilling the shortcomings as per NEPRA (Procedure for filing Appeals) Regulations 2012. The Appellant subsequently resubmitted the said appeal before the NEPRA on 13.04.2023 after a lapse of one hundred two (102) days from the NEPRA letter dated 02.01.2023, this shows lack of interest on the part of the Appellant to defend their case.





## National Electric Power Regulatory Authority

6.2 As per sub-section (3) of Section 38 of the NEPRA Act 1997, any person aggrieved by the decision of the POI may prefer an appeal to NEPRA within thirty days of receipt of the order. Further, it is supplemented with Regulation 4 of the NEPRA (Procedure for Filing Appeals) Regulations, 2012 (the "Appeal Procedure Regulations") which also states that the Appeal is required to be filed within 30 days of the receipt of the impugned decision of POI by the Appellant, however, a margin of 7 days' is provided in case of submission through registered post, and 3 days in case of submission of appeal through courier is given in the Appeal Procedure Regulations. Reliance in this regard is placed on judgment dated 25.04.2016 of the honorable Lahore High Court Lahore rendered in the Writ Petition Nos.16172/15, 1637/15, 14895/15, 13470/15, 29335/15, 19916/15, 11039/15, 16677/15, 19763/15, 29623/15, 13908/15 18195/15, 19762/15, 19882/15, 812/15 & 5119/15, wherein it was held that the POI is bound to transmit copy of the decision to the parties and the period of limitation is to be counted from the date of receipt of the copy of such decision, the relevant excerpt of the said judgment is reproduced below for the sake of convenience:

*"12. The above discussion leads me to irresistible conclusion that the Provincial Office of Inspections/Electric Inspector is bound to transmit the copy of the order to the aggrieved person through the modes provided under Regulation 4 of Regulation 2012 and in this way, the period of limitation for filing an appeal in terms of subsection (3) of section 38 will be calculated from the date of receipt of order."*

7. In view of the foregoing discussion, we opined that the delay of fifty-one (51) days in filing the appeal before the NEPRA from the date of receipt of the impugned decision is not condonable as no sufficient reasons have been given by the Appellant to justify the delay in filing the appeal. As such the appeal filed before NEPRA is time-barred and is dismissed.

On leave  
Abid Hussain  
Member/Advisor (CAD)

Naweed Illahi Sheikh  
Convener/DG (CAD)

Muhammad Irfan-ul-Haq  
Member/ALA (Lic.)

Dated: 25-03-2025

