



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

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No. NEPRA/Appeal/132/2024/ 280

April 10, 2025

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| 1. Muhammad Arshad,
S/o. Muhammad Younas,
R/o. Shohal, Tehsil Balakot,
District Mansehra
Cell No. 0312-9627699
0310-5551163 | 2. Chief Executive Officer
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Muhammad Riasat Raza,
Advocate High Court,
Office No. 7, Near Al-Sheikh Hotel,
District Courts, Mansehra
Cell No. 0331-5348794
0301-5259784 | 4. Executive Engineer (Operation),
PESCO Ltd,
City Division, Mansehra
Cell No. 0347-0921613 |
| 5. Sub Divisional Officer (Operation),
PESCO Ltd,
Mansehra City-I Sub Division,
Mansehra
Cell No. 0330-9970711 | 6. POI/Electric Inspector,
Abbottabad Regional Office,
CB.81, Iqbal Road, Supply Bazar,
Abbottabad
Phone No. 0992-405582 |

Subject: Appeal No.132/2024 (Muhammad Arshad Vs. PESCO) Against the Decision Dated 15.07.2024 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 10.04.2025 (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.132/POI-2024

Muhammad Arshad S/o. Muhammad Younas,
R/o. Shohal, Tehsil Balakot, District Mansehra

.....Appellant

Versus

Peshawar Electric Supply Company Limited

.....Respondent

APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Saad Javid Advocate

For the Respondent:

Mr. Rasheed Ahmed Qureshi XEN
Syed Muddasir Shah SDO

DECISION

1. Through this decision, the appeal filed by Muhammad Arshad (hereinafter referred to as the "Appellant") against the decision dated 15.07.2024 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 the Appellant is an industrial consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.30-26711-06994928-R with a sanctioned load of 363 kW and the applicable tariff category is B-2(b). The M&T team of the Respondent visited the premises of the Appellant on 31.08.2022, wherein alleged the Appellant was found stealing electricity, therefore electricity of the Appellant was disconnected, and a detection bill of Rs.20,125,335/- against 428,529 (OP=357,451+71,178) units for the period from 21.07.2022 to 31.08.2022 (42 days) to the Appellant.

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3. Being dissatisfied, the Respondent challenged the impugned above detection bill before the POI, which was disposed of by the said forum vide decision dated 15.07.2024 (the "impugned decision") with the following conclusion:

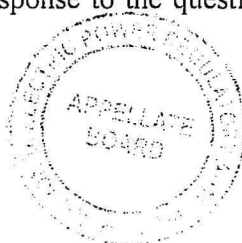
"Note:

(i) "DISCO (DISCO to insert its name) may grant connection to an application from the existing Dedicated Distribution System(DDS), provided that it is technically feasible and the prospective consumer has obtained no objection certificate from the owner of DDS",

The above-stated section reveals that the steal furnace shall have its independent/ dedicated transformers and 11KV feeder. However, the applicant may be granted connection from the existing dedicated distribution system(DDS), provided that it is technically feasible and the consumer has obtained no objection certificate from the owner of the DDS.

So far as the payment of the disputed bill in 15 equal installments is concerned, keeping in view the financial constraints as enumerated by the counsel for the petitioner that during the period of litigation, the steal furnace was closed till date, a lenient view as taken and he may be allowed to pay the disputed amount in 12 equal installments on monthly basis for smooth affairs of both the parties. Electricity Supply may be restored after payment of 1st Installment. Therefore, the case is, disposed of with the above decision."

4. Through the instant appeal, the afore-referred decision dated 15.07.2024 of the POI has been impugned by the Appellant before the NEPRA along with an application for the condonation of delay, wherein the Appellant contended that there is a delay in filing the appeal for the reason that the Respondent initially assured for the redressal of the grievance of the Appellant and subsequently refused. The Appellant further submitted that the delay in filing the appeal is neither intentional nor deliberate rather due to the stated conducted of the Respondents; that the law favors the adjudication on merits rather than on technicalities, hence the delay in filing the appeal deserved to be condoned and the appeal be decided on merits after affording opportunity of being heard to the Appellant.
5. Upon filing of the instant appeal, notice dated 17.12.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.
6. Hearing was conducted at NEPRA Regional Office Peshawar on 17.03.2025 which was attended by both parties. In response to the question of limitation raised by this forum,



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learned counsel for the Appellant stated that the delay in filing the appeal was neither intentional nor deliberate but due to delaying tactics of the Respondent for redressal of the grievance of the Appellant, hence the same may be condoned and the appeal be decided on merits instead of technical grounds.


7. Arguments were heard and the record was perused. Following are our observations:


7.1 While addressing the point of limitation, it is observed that a copy of the impugned decision was obtained by the Appellant on 15.07.2024 and the appeal was filed before the NEPRA on 15.11.2024 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of one hundred twenty-four (124) days from the date of receipt of the impugned decision.

7.2 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. Thus, the delay of one hundred twenty-four (124) 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 condonation of the delay.

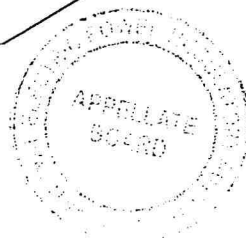
8. Foregoing in view, the appeal filed before NEPRA is time-barred and; hence dismissed.


Abid Hussain
Member/Advisor (CAD)


Naweed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 10-04-2025



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