



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

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No. NEPRA/Appeal/103/2023/ 384

May 02, 2025

- | | |
|---|---|
| 1. Muhammad Iqbal,
Kabal River, WAPDA Colony,
G. T. Road, Mardan, Nowshera | 2. Chief Executive Officer,
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar |
| 3. Executive Engineer (Operation),
PESCO Ltd,
Nowshera Cantt Division,
Nowshera Cantt | 4. Sub Divisional Officer (Operation),
PESCO Ltd,
Nowshera Cantt-I Sub Division,
Nowshera Cantt
Cell No. 0330-9970231 |
| 5. POI/Electric Inspector,
Nowshera Region,
Tehsil Road, Near Police Station,
Nowshera Kalan, Nowshera | |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed by PESCO Aginsst the Decision Dated 13.12.2023 of the Appellate Board in the Matter Titled "PESCO Vs. Muhammad Iqbal"**

Please find enclosed herewith the decision of the Appellate Board dated 02.05.2025 (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

**REVIEW PETITION FILED BY PESCO UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED
13.12.2023 OF NEPRA IN APPEAL NO.103/POI-2023**

Peshawar Electric Supply Company Limited

.....Petitioner

Versus

Muhammad Iqbal, Kabal River,
WAPDA Colony, G.T. Road, Mardan, Nowshera

.....Respondent

For the Petitioner:

Mr. Farhatullah SDO through Zoom

For the Respondent:

Mr. Moin Akhtar

Mr. Muhammad Bilal

DECISION

1. Through this decision, the review petition filed by Peshawar Electric Supply Company Limited (hereinafter referred to as the "Petitioner") against the decision dated 13.12.2023 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.103/POI-2023 titled "Muhammad Iqbal Vs. PESCO" is being disposed of.
2. As per the facts of the case, Muhammad Iqbal (hereinafter referred to as the "Respondent") is an industrial consumer of the Petitioner bearing Ref No. 30-26231-0142060 with a sanctioned load of 11 kW and the applicable tariff category is B-1(b). As per the M&T checking report dated 10.11.2021 of the Petitioner, the impugned meter was found dead stop due to internal power supply burnt, and the final reading was noted as 15,586. Later on, a detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 was debited to the Respondent by the Petitioner on the basis of 30% load factor of the sanctioned load and added to the bill for August 2022.
3. Being aggrieved with the above actions of the Petitioner, the Respondent approached the Provincial Office of Inspection Nowshera Region, Nowshera (the "POI") vide complaint



dated 10.02.2023 and challenged the above detection bill. The matter was disposed of by the POI vide decision dated 05.06.2023, wherein the detection bill of Rs.209,486/- for 7,227 units was cancelled and the Petitioner was directed to debit the revised detection bill of net 6,100 units for two months i.e. June 2021 and July 2021 to the Respondent based on 40% load factor of the sanctioned load.

4. Against the aforesaid decision of the POI, the Respondent initially filed a review petition before the POI. The said forum vide decision dated 26.07.2023 rejected the review petition of the Respondent.
5. Being aggrieved, the Respondent initially filed an appeal before the Secretary of Energy & Power, Government of Khyber Pakhtunkhwa on 11.08.2023. Secretary Energy & Power vide letter No.SO(E-I)/E&P/2-5/E.Appeal-Decision/2022/483-5 dated 29.08.2023 returned the said appeal with the direction to the Respondent to approach NEPRA being a competent forum under Section 38(3) of the NEPRA Act. Accordingly, the Respondent filed Appeal No.103/POI-2023 before the NEPRA on 12.09.2023, which was subsequently disposed of by the NEPRA Appellate Board vide decision dated 13.12.2023, the operative portion of which is reproduced below:

“In view of what has been discussed above, it is concluded as under:

- 8.1 *The Detection bill of Rs.209,486/- for the cost of 7,227 units for three (03) months for the period from July 2021 to September 2021 charged to the Respondent is unjustified and the same is declared null and void.*
 - 8.2 *The bills for the period from May 2021 to July 2021 be revised as per 100% consumption of the corresponding month of the previous year or the average consumption of the last eleven months, whichever is higher as per Clause 4.3.1(b) of the CSM-2021.*
 - 8.3 *The billing account of the Respondent be overhauled after making adjustments of payments made against the above detection bill. The impugned decision is modified in the above terms.*
6. The Petitioner filed a review petition before the NEPRA on 10.01.2024 under NEPRA (Review Procedure) Regulations, 2009. Hearing in the matter of the subject review petition was scheduled at NEPRA Head Office Islamabad on 05.11.2024, wherein the official for the Petitioner participated through Zoom and the representative for the Respondent appeared physically. The Petitioner contended that the NEPRA while deciding the matter did not consider the point of limitation, as such the appeal filed before the NEPRA is time-barred. He prayed that the appeal is liable to be dismissed on the sole ground of limitation. On the other hand, the representatives for the Respondent averred that the Respondent is

suffering from illness and could not attend the hearing. The representatives for the Respondent prayed for upholding the impugned decision.


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


7.1 While addressing the preliminary objection of the Petitioner regarding limitation, it is observed that the Respondent initially preferred an appeal before the Secretary Energy & Power, Government of Khyber Pakhtunkhwa on 11.08.2023 against the decision dated 05.06.2023 of the POI. Energy Department, Government of Khyber Pakhtunkhwa vide letter No.SO (E-I)/E&P/2-5/E.Appeal-Decision/2022/483-5 dated 29.08.2023 returned the said appeal to the Respondent with the direction to approach NEPRA being a competent forum under Section 38(3) of the NEPRA Act. Accordingly, the Respondent filed an appeal before NEPRA on 12.09.2023, which may be treated within 30 days from the date of return i.e. 29.08.2023 from the Secretary Energy & Power, Government of Khyber Pakhtunkhwa. In view of the above, the objection of the Petitioner is devoid of force and rejected.

7.2 In terms of Regulation 3(2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 13.12.2023. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

8. In view of the above, the instant review motion of the Petitioner is dismissed as being devoid of merits, and the decision dated 13.12.2023 of the Appellate Board is upheld.

On leave
Abid Hussain
Member/Advisor (CAD)


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


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 02-05-2025