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

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No. NEPRA/Appeal/062/2025/850

November 02, 2026

1. Zafar Ali,
S/o. Abdul Salam,
Post Office, Tahkal,
Pabbi, Nowshera

2. Chief Executive Officer,
PESCO Ltd,
WAPDA House, Sakhi Chashma,
Shami Road, Peshawar

3. Miss. Nazish Muzaffar,
Advocate High Court,
Sher Dil Khan House No. 2,
PCSIR-Lab Road, Ghareeb Abad,
Shaheen Town, Peshawar
Cell No. 0332-9140967

4. Executive Engineer (Operation),
PESCO Ltd,
Nowshera Division-II,
Nowshera
Cell No. 0370-1340230

5. Sub Divisional Officer (Operation),
PESCO Ltd,
Pabb-III Sub Division,
Pabbi
Cell No. 0370-1340223

6. POI/Electric Inspector,
Peshawar Region,
Benevolent Fund Building,
3rd Floor, Near Jans Bakers,
Peshawar Cantt,
Phone No. 091-9211343

Subject: **Appeal No.062/2025 (PESCO vs. Zafar Ali) Against the Decision Dated 04.11.2024 of the Provincial Office of Inspection to Government of the Khyber Pakhtunkhwa Peshawar Region, Peshawar**

Please find enclosed herewith the decision of the Appellate Board dated 02.11.2026 (04 pages), regarding the subject matter, for information and necessary action, accordingly.

Encl: As Above

(Ikram Shakeel)
Additional 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.062/POI-2025

Peshawar Electric Supply Company Limited .....Appellant

Versus

Zafar Ali S/o. Abdul Salam, Post Office, Takhal Pabbi, Nowshera .....Respondent

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

For the Appellant:	For the Respondent:
Mr. Abdul Shakoor SDO	Nemo

DECISION

1. Brief facts leading to the filing of instant appeal are that Zafar Ali (hereinafter referred to as the "Respondent") is a domestic consumer of Peshawar Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.17-26223-0106412 with a sanctioned load of 01 kW and the applicable tariff category is A-1. The Respondent filed a complaint before the Provincial Office of Inspection, Peshawar Region, Khyber Pakhtunkhwa (hereinafter referred to as the "POI") on 22.05.2024 and assailed the arrears of Rs.492,752/- pertaining to the bills from May 2020 to April 2024. The POI vide ex-parte decision dated 04.11.2024 cancelled the arrears of Rs.492,752/- pertaining to the bills from May 2020 to April 2024 and directed the Appellant to issue the revised bill to the Respondent for payment.
2. Subject appeal has been filed against the afore-referred decision dated 04.11.2024 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA along with an application for the condonation of delay. In its appeal, the Appellant opposed the impugned decision *inter alia,* on the main grounds that the impugned decision for cancellation of the arrears of Rs.492,752/- pertaining to the bills from May 2020 to

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April 2024 without consideration of technical and billing data leads to significant financial loss to the Appellant; that the impugned decision encourages other Consumers to challenge legitimate bills, undermining the Appellant's billing and recovery mechanisms; that the impugned decision was rendered without fair opportunity to defend its case; that the POI failed to critically evaluate the Respondent's billing history including load profiles, meter readings and technical records; and that the impugned decision be set aside. In the application for condonation of delay, the Appellant contended that the delay in filing the appeal was neither intentional nor deliberate but was due to unavoidable circumstances and administrative delays due to circumstances beyond their control; that the appeal raises substantial questions of law/facts and the denial of opportunity to present the case on merits would cause irreparable loss and injustice. The Appellant finally prayed that the delay in filing the appeal may be condoned in the interest of justice.

3. Notice dated 30.04.2025 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
4. Hearing in the matter was conducted at NEPRA Regional Office Peshawar on 21.10.2026, wherein an official tendered appearance for the Appellant, whereas no one represented the Respondent. In response to the question of limitation raised by this forum, the official for the Appellant contended that the delay in filing the appeal is neither intentional nor deliberate, and the appeal was filed late due to the administrative delay. He averred that the copy of the impugned decision was obtained on 18.11.2024, thereafter, the Appellant preferred instant appeal before the NEPRA. The Appellant prayed that the delay in filing the appeal be condoned in the best interest of justice and that the case be decided on merits instead of technical grounds.
5. Arguments were heard and the record was perused. Following are our observations:
   i. While addressing the point of limitation, it is observed that the Appellant obtained a copy of the impugned decision dated 04.11.2024 on 18.11.2024 and subsequently preferred the instant appeal before NEPRA on 31.01.2025, after the prescribed time limit of 30 days. Registrar NEPRA vide letter dated 07.02.2025 returned the appeal to the Appellant with the direction for resubmission within five (05) days after completion of information/documents as required in NEPRA (Procedure for Filing Appeals) Regulations, 2012. The Appellant however resubmitted the appeal on 25.03.2025 after lapse of forty six (46) days from the date of Registrar letter i.e.,

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07.02.2025. This shows lack of interest on the part of the Appellant to defend their case before the POI as well as before this forum. However, the Appellant initially filed the instant appeal before NEPRA after a lapse of seventy four (74) days from the date of receipt of the impugned decision.

ii. 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.

iii. 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."*

iv. In furtherance, the honorable Supreme Court of Pakistan in its judgment reported as *2024 SCMR 1021* held that the delay in filing the appeal due to lengthy procedure cannot be condoned, the relevant excerpt is reproduced below:

> *(a) Supreme Court Rules, 1980---*
>
> *----O XIII, R. & OXXXIII, R6-Government as petitioner before the Supreme Court Time barred petition filed by the Government--Plea that administrative delays due to lengthy procedure prevented the Government from filing the petition within the limitation period-Such plea cannot be considered 'sufficient cause' or a reasonable*

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ground in every case for condonation of delay. No preferential treatment can be accorded to Government Departments for condoning the delay."

6. In view of the foregoing discussion, we opined that the appeal was preferred after a lapse of seventy-four (74) days from the date of receipt of the impugned decision. The resulting delay of forty-four (44) days beyond the statutory limitation period is not condonable, as no sufficient reasons have been given by the Appellant to justify the delay. As such, the appeal filed before NEPRA is time-barred and dismissed.

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 02-11-2026

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