



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

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No. NEPRA/Appeal/018/2021/ *681*

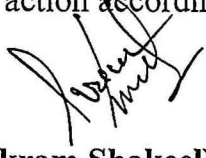
November 21, 2023

- | | |
|---|---|
| 1. Khawar Anees,
S/o. Anees Muhammad,
Prop: M/s. Three Friends CNG Station,
Toba Road, Jhang | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Malik Asad Akram Awan,
Advocate High Court,
Sargodha Khushab Law Chambers,
First Floor, Turner Tower,
9-Turner Road, Lahore | 4. Sub Divisional Officer,
FESCO Ltd,
Satellite Town Sub Division,
Jhang |
| 5. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: **Appeal No.018/2021 (FESCO Vs. Khawar Anees) Against the Decision Dated 18.11.2020 of the Provincial Office of Inspection to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 21.11.2023 (03 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 018/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Khawar Anees S/o. Anees Muhammad,
Prop: M/s. Three Friends CNG Station, Toba Road, Jhang

.....Respondent

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

For the Appellant:

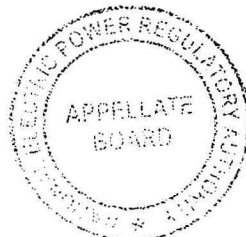
Malik Asad Akram Advocate

For the Respondent:

Nemo

DECISION

1. Briefly speaking, Mr. Khawar Anees (hereinafter referred to as the "Respondent") is a commercial consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-13318-5800201-U with sanctioned load of 140 kW and the applicable tariff category is A-2(c).
2. The Respondent filed a complaint before the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") and assailed the detection bill of Rs.365,496/- and the bills with enhanced Multiplication Factor (the "MF")=89.5 w.e.f February 2020 and onwards charged by the Appellant due to 33% slowness of the meter. According to the decision of the POI, several opportunities of hearings i.e. 19.08.2020, 16.09.2020, 14.10.2020, 28.10.2020, and 11.11.2020 were provided to both parties but the Appellant failed to appear before the POI, and submit the reply/para-wise comments despite repeated notices. The matter was decided ex-parte vide the decision dated 18.11.2020.
3. Subject appeal has been filed by the Appellant against the POI decision dated 18.11.2020



M. Asad



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(hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant, *inter alia*, prayed for setting aside the impugned decision on the main grounds; that the Appellant does not have knowledge regarding the fixation of the complaint before the POI and even otherwise the POI should have applied his independent mind before arriving the impugned decision, which is misapplication of law and against the principles of natural justice; that the detection bill of Rs.365,496/- be declared as justified in the larger interest of justice.

4. Proceedings by the Appellate Board

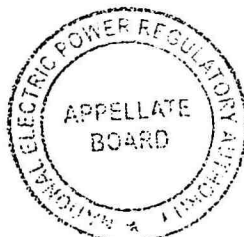
4.1 Upon the filing of the instant appeal, a Notice dated 29.01.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

5. Hearing

5.1 Hearings were initially conducted on 14.10.2022 and 03.06.2023, which however were adjourned due to the non-appearance of the Respondent. Finally, the hearing was fixed for 09.09.2023 at Faisalabad, which was attended by counsel for the Appellant, whereas the Respondent did not tender appearance. Learned counsel for the Appellant *inter alia*, contended that neither any notice was served by the POI nor any intimation was given by the Respondent regarding the proceedings before the POI, hence the impugned decision could not be decided on ex-parte basis. Learned counsel for the Appellant prayed for setting aside the impugned decision and for remanding back the matter to POI for decision afresh after hearing both parties.

6. Arguments heard and the record examined. Our observations are as under:

6.1 The Appellant claims that no notices were served by the POI with regard to the proceedings of the Respondent’s complaint, hence the impugned ex-parte decision be set aside and the matter be remanded back to the POI for the decision on merits. Since the factual controversies are involved in the case, which needs detailed investigation to determine the fate of the detection bill of Rs.365,496/- and the bills with enhanced MF=89.5 charged to the Respondent w.e.f February 2020 and onwards. Hence, the





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impugned decision is set aside and the matter is remanded back to the POI for deciding afresh after providing the opportunity of hearing to both parties in accordance with law.

Abid Hussain
Member

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 21-11-2023

