



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

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No. NEPRA/AB/Appeal/048/POI/2023/532

September 18, 2023

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|---|---|
| 1. Muhammad Safdar,
S/o. Muhammad Nazeer,
R/o. Chak No. 269/JB,
Jhang | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Ch. Shahzad Ahmed Bajwa,
Advocate High Court,
12-Faisal Park, Imamia Colony,
Shahdara, Lahore | 4. Muhammad Ajmal Khan Noul,
Advocate High Court,
District Courts, Jhang |
| 5. Sub Divisional Officer,
FESCO Ltd,
Rural Sub Division,
Jhang | 6. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad |

Subject: **Appeal Titled FESCO Vs. Muhammad Safdar Against the Decision Dated 18.01.2023 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 14.09.2023 (04 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.048/POI-2023

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Safdar S/o. Muhammad Nazeer,
R/o. Chak No.269/JB, Jhang

.....Respondent

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

For the Appellant:

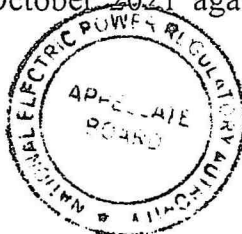
Mr. Shahzad Ahmed Bajwa Advocate
Mr. Sanaullah Soomro SDO

For the Respondent:

Mr. Muhammad Safdar

DECISION

1. Through this decision, the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 18.01.2023 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Briefly speaking, Mr. Muhammad Safdar (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.29-13319-1352400-R with sanctioned load of 7.46 kW and the applicable tariff category is D-2(b). The impugned meter of the Respondent became defective with dim screen, therefore estimated billing was done by the Appellant during the period from August 2021 to October 2021 against which partial payments were



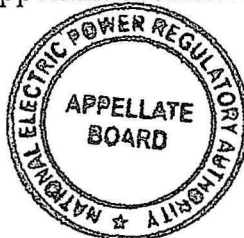


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made by the Respondent. Subsequently, the electricity of the Respondent was disconnected by the Appellant vide equipment removal order (the "ERO") dated 30.11.2021.

3. Being aggrieved with the above actions of the Appellant, the Respondent approached the POI and challenged the bills for the period from August 2021 to October 2021 with the plea that excessive billing was done by the Appellant during the abovesaid months. The complaint of the Respondent was disposed of vide the POI decision dated 18.01.2023, wherein the Appellant was directed to refund 12,386 units being excessively charged as compared to the final retrieved reading of the impugned meter. The Appellant was further directed to overhaul the billing account of the Respondent, accordingly.
4. Through the instant appeal, the afore-referred decision dated 18.01.2023 of the POI has been impugned by the Appellant before the NEPRA. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the impugned meter of the Respondent became defective in August 2021, therefore the bills for the period from August 2021 and onwards were charged as per M&T checking report; that the impugned decision is against the facts and law of the case; that the Appellant has no personal grudge or grouse against the Respondent to issue an excessive bill; that the POI did not consider the case in letter and spirit and misread and misinterpreted the material available on record and illegally passed the impugned decision; that the impugned decision is based on surmises and conjectures and the same is not sustainable in the eye of law. In the application for condonation of the delay, the Appellant submitted that the delay in filing the appeal

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was not intentional but due to the serious illness of the counsel. The Appellant finally prayed that the delay in filing the instant appeal be condoned in the larger interest of justice law and equity.

5. Proceedings by the Appellate Board

Upon filing of the instant appeal, notice dated 10.05.2023 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

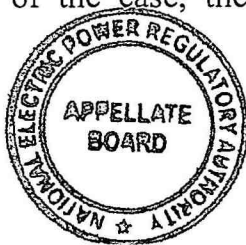
6.1 Hearing in the matter of the subject Appeal was conducted at NEPRA Regional Faisalabad on 24.06.2023 which was attended by both parties. Learned counsel for the Appellant repeated the same arguments as contained in memo of the appeal and contended that the impugned meter of the Respondent became defective, therefore average bills were charged to the Respondent for the period from August 2021 to October 2021. In response to the question of limitation, learned counsel for the Appellant assured to submit the written arguments.

6.2 On the contrary, the Respondent repudiated the version of the counsel for the Appellant and argued that the premises was under litigation in August 2021 and the connection was not in use during the period from August 2021 to October 2021 due to the stay order granted by the honorable court. He prayed that the appeal be dismissed on the point of limitation being badly time-barred.

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

7.1 Limitation for filing Appeal:

Before going into the merits of the case, the point of limitation needs to be





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addressed. It is observed that a copy of the impugned decision was obtained by the Appellant on 01.02.2023 and the appeal was filed before the NEPRA on 18.04.2023 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal after a lapse of seventy-six days (76) days from the date of receipt of the impugned decision. 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 seventy-six (76) 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; hence dismissed.

Abid Hussain
Member

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 14-09-2023

Appeal No.048/POI-2023

