



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

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No. NEPRA/Appeal/151/2021/688

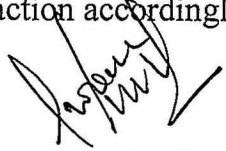
November 21, 2023

- |   |  |
|---|--|
| 1. Basharat Aziz Jaspal,<br>S/o. Abdul Aziz,<br>R/o. House No. P-8,<br>Shadman Colony No. 2,<br>Faisalabad  | 2. Chief Executive Officer<br>FESCO Ltd,<br>West Canal Road, Abdullahpur,<br>Faisalabad            |
| 3. Saeed Ahmed Bhatti,<br>Advocate High Court,<br>66-Khyber Block, Allama Iqbal Town,<br>Lahore   | 4. Sub Divisional Officer (Operation),<br>FESCO Ltd,<br>Peoples Colony Sub Division,<br>Faisalabad |
| 5. POI/Electric Inspector,<br>Energy Department, Govt. of Punjab,<br>Opposite Commissioner Office,<br>D.C.G Road, Civil Lines,<br>Faisalabad Region, Faisalabad |  |

Subject: **Appeal No.151/2021 (FESCO Vs. Basharat Aziz Jaspal) Against the Decision Dated 18.06.2021 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. 151/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Basharat Aziz Jaspal S/o. Abdul Aziz,  
R/o. House No.P-8, Shadman Colony No.02, Faisalabad

.....Respondent

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

For the Appellant:

Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

### **DECISION**

1. Briefly speaking, Mr. Basharat Aziz Jaspal (hereinafter referred to as the "Respondent") is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.08-13241-0846020-U with sanctioned load of 5 kW and the applicable tariff category is -A-1(b).
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.134,541/- against 6,888 units for five months for the period from April 2020 to August 2020 charged by the Appellant and added to the bill for January 2021. According to the decision of the POI, several opportunities of hearings i.e. 10.02.2021, 24.02.2021, 10.03.2021, 24.03.2021, 07.04.2021, 05.05.2021 and 26.05.2021 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 18.06.2021 and the impugned detection bill of Rs.134,541/- debited in January 2021 was declared null and void and the Appellant was directed to overhaul the billing account of the Respondent, accordingly.
3. Subject appeal has been filed by the Appellant against the POI decision dated 18.06.2021





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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 impugned decision is nonspeaking as the POI failed to give reasons and justification for passing the ex-parte decision; that the POI miserably failed to follow the procedure; that no one should be condemned unheard and causes are to be resolved based on cogent reasons after giving an opportunity of hearing to both parties that the impugned decision is ex facie, coram non-judice being rendered after the prescribed limit of 90 days, which is violative of Section 26(6) of the Electricity Act 1910; and that the case be remanded back to the POI for its adjudication on merits after providing an opportunity of hearing to the parties.

#### 4. Proceedings by the Appellate Board

- 4.1 Upon the filing of the instant appeal, a Notice dated 04.01.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

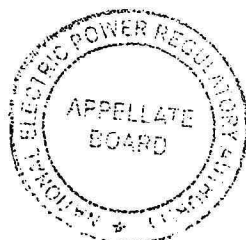
#### 5. Hearing

- 5.1 Hearing was initially held at NEPRA Regional Office Faisalabad on 24.06.2023, which however was 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.134,541/- against 6,888 units for five months for the period from April

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2020 to August 2020 charged to the Respondent in January 2021. Hence, the 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

