



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

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No. NEPRA/Appeal/043/2021/404


April 26, 2024

- | | |
|---|---|
| 1. Muhammad Shafique,
S/o. Muhammad Rafique,
(Mian Textile), Chak No 215/RB,
Jarranwala Road, Faisalabad | 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,
Madina Town Sub Division,
Faisalabad |
| 5. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: **Appeal No.043/2021 (FESCO Vs. Muhammad Shafique) Against the Decision Dated 16.11.2020 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 26.04.2024 (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 on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.043/POI-2021

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Muhammad Shafique S/o. Muhammad Rafique,
Mian Textile, Chak No.215/RB, Jaranwala Road, Faisalabad

.....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
Mr. Muhammad Zahid Sharif SDO

For the Respondent:

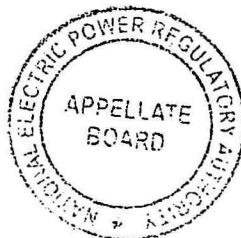
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DECISION

1. Through this decision, the appeal filed by Faisalabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 16.11.2020 of the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Muhammad Shafique (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-13131-5100400 with sanctioned load of 68.47 kW and the applicable tariff category is B-2(b). The Respondent approached the POI and challenged the detection bills of Rs.372,523/- and Rs.225,685/- debited by the Appellant in November 2019 and April 2020 respectively along with the bills with enhanced MF=59.7 on account of 33% slowness of the meter. The complaint of the Respondent was disposed of by the POI vide decision dated 16.11.2020, wherein the detection bill of Rs.225,685/- and the bills with enhanced MF=59.7 w.e.f March 2020 and onwards till the replacement of the meter were cancelled.

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3. The Appellant has filed the instant appeal against the afore-said decision dated 16.11.2020 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA. In this appeal, the Appellant opposed the maintainability of the impugned decision with the contentions that the impugned decision suffers from serious misreading and non-reading of record and has been passed in a mechanical and slipshod manner; that the POI afforded the relief to the Respondent beyond the scope of the complaint; that the POI failed to take into account that the meter of the Respondent was found defective by the M&T task force; that the detection was rightly worked out; and that the impugned decision is liable to be set aside.

4. **Proceedings by the Appellate Board**

Upon the filing of the instant appeal, notice dated 26.04.2021 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**

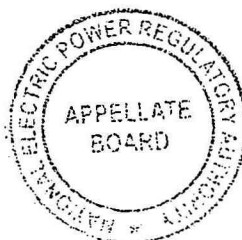
5.1 Hearing was initially held at NEPRA Regional Office Faisalabad on 09.09.2023, which however was adjourned due to the non-appearance of the Respondent. Finally, the hearing was held at NEPRA Regional Office Lahore on 02.03.2024, wherein, a counsel appeared for the Appellant, whereas no one tendered appearance on behalf of the Respondent. In response to the question of limitation raised by this forum, learned counsel for the Appellant contended that the delay in filing the appeal is neither intentional nor deliberate, hence the delay in filing the appeal be condoned in the best interest of justice and the case be decided on merits instead of technical grounds.

6. Arguments were heard and the record was perused. Following are our observations:

6.1 **Limitation for filing Appeal:**

While addressing the point of limitation, it is observed that a copy of the impugned decision dated 16.11.2020 was obtained by the Appellant on 09.12.2020 and the appeal was filed before the NEPRA on 03.03.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of seventy-five (75) 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

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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-five (75) 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 in the application for the condonation of the delay as well as during the arguments.

7. Foregoing in view, the appeal filed before NEPRA is time-barred and; hence dismissed.

Abid Hussain
Member/Advisor (CAD)

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

Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 26-04-2024

