



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

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No. NEPRA/AB/Appeal/056/POI/2022/ 784


July 25, 2022

- | | |
|---|--|
| 1. Mohsin Nabi,
R/o. House No. A/286,
Bhittai Town, Qasimabad,
Hyderabad | 2. Chief Executive Officer,
HESCO Ltd.,
WAPDA Offices Complex,
Hussainabad, Hyderabad |
| 3. Executive Engineer (Operation),
HESCO Ltd,
Qasimabad Operation Division,
Qasimabad, Hyderabad | 4. POI/Electric Inspector,
Hyderabad Region,
Government Building No. 48/B,
Civil Lines, Hyderabad |

Subject: **Appeal Titled HESCO Vs. Mohsin Nabi Against the Decision Dated 22.02.2022 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad**

Please find enclosed herewith the decision of the Appellate Board dated 21.07.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

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



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 056/POI-2022

Hyderabad Electric Supply Company Limited

.....Appellant

Versus

Mohsin Nabi, R/o House No.A/286, Bhittai Town,
Qasimabad, Hyderabad

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 22.02.2022 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION HYDERABAD REGION HYDERABAD

For the Appellant:

Mr. G. Farooque XEN

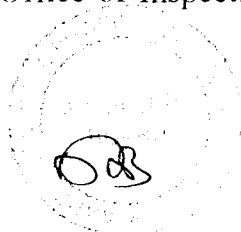
For the Respondent:

Mr. Mohsin Nabi

Mr. Jamshed

DECISION

1. As per fact of the case, Mr. Mohsin Nabi (hereinafter referred to as the “Respondent”) is a domestic consumer of Appellant (the “Hyderabad Electric Supply Company Limited” or “HESCO”) bearing Ref No.10-37182-0454900 having sanctioned load of 2 kW and the applicable tariff category is A-1(a).
2. Being aggrieved with the billing process of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection Hyderabad Region, Hyderabad

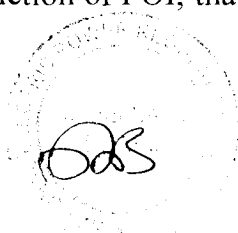




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(the "POI") on 03.02.2022 and assailed the detection bills charged during the period from July 2018 to July 2021. The complaint of the Respondent was disposed of by the POI vide decision dated 22.02.2022, wherein the detection bills charged by the Appellant during the period July 2018 to July 2021 along with late payment surcharge (LPS) were declared as null and void.

3. Subject appeal has been filed by the Appellant against the POI decision dated 22.02.2022 (hereinafter referred to as the "impugned decision") before the NEPRA. In its appeal, the Appellant opposed the impugned decision *primarily* on the grounds that the Respondent was involved in illegal abstraction of electricity through bypassing the meter since long and less consumption recorded as compared to the connected load, hence the detection bills for total 17,210 units for the period from July 2018 to July 2021 were charged to the Respondent @ 478 units/month; that the Respondent agreed with the above detection bills and made payment of Rs.68,000/- in twelve months; that the use of direct phase by the Respondent was verified during site checking dated 10.02.2022 but the POI passed the impugned decision without considering the arguments; that the detection bills were issued after adopting the proper procedure and issuance of notice to the Respondent, hence no maladministration occurred; that the impugned decision is against the law, justice and equity; that the lodging of FIR against the unregistered consumers is essential wherein the financial loss is covered by raising the detection bills against the registered consumers as per the procedure laid down in Clause 9.1(a) of the Consumer Service Manual (the "CSM-2010") that the matter pertains to the direct theft of electricity, hence the same is beyond the jurisdiction of POI; that the appeal be accepted and the





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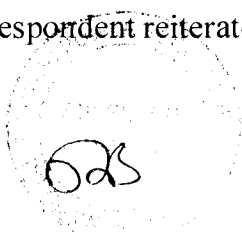
impugned decision be set aside.

4. Proceedings by the Appellate Board

4.1. Upon the filing of the instant appeal, a Notice dated 24.05.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted his reply before the NEPRA on 03.06.2022 wherein he raised the preliminary objection regarding limitation and stated that the copy of the impugned decision dated 22.02.2022 was obtained by the Appellant on 24.02.2022 and the appeal was filed before the NEPRA on 11.04.2022, which is not within thirty (30) days limit as per law. The Respondent contended that the impugned decision was passed after perusal of record and based on mutual consent, hence comments were not needed. The Respondent finally prayed for the implementation of the impugned decision.

5. Hearing

5.1. Hearing in the matter of the subject Appeal was scheduled for 04.07.2022 at NEPRA Regional Office Karachi for which notices dated 28.06.2022 were issued to both parties (the Appellant and Respondent). On the date of the hearing, both parties were present. At the outset of the hearing, the question of limitation was raised by this forum. In response, the Appellant submitted that the impugned decision was passed by the POI on 22.02.2022, a copy of which is received on 24.02.2022, and the appeal was filed before the NEPRA on 13.04.2022. The Appellant further submitted that the delay in filing the appeal was not intentional and the same may be condoned in the best interest of justice. The Appellant prayed that the appeal be decided on merits instead of technical grounds. On the contrary, the Respondent reiterated the arguments as contained





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in reply/para-wise comments to the appeal, defended the impugned decision, and prayed for upholding the same.


6. Arguments were heard and the record placed before us was examined. Following are our findings:


6.1. Before going into the merits of the case, the point of limitation raised by the Respondent needs to be addressed. It is observed that the impugned decision was announced by the POI on 22.02.2022, copy of the same was obtained by the Appellant on 24.02.2022 and an appeal was preferred before the NEPRA on 13.04.2022 against the impugned decision dated 22.02.2022. The above whole scenario indicates that the Appellant failed to file the instant appeal before the NEPRA within thirty (30) days of receipt of the impugned decision under Section 38 (3) of NEPRA Act 1997.

6.2. Thus the appeal filed by the Appellant after the lapse of forty-eight (48) days is time-barred. No sufficient reasons have been given by the Appellant to justify the condonation of delay. It is concluded that the appeal filed before NEPRA is time-barred and liable to be dismissed on this ground alone.

7. Forgoing consideration, the appeal is dismissed.


Syed Zawar Haider
Member


Abid Hussain
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 21/07/2022

