



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

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No. NEPRA/AB/Appeal/058/POI/2022/ 786

July 25, 2022

- | | |
|---|--|
| 1. Sarwer Ali Soomro,
R/o. Village Muhammad Bux Shoro,
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. Sarwer Ali Soomro Against the Decision Dated 21.02.2022 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. 058/POI-2022

Hyderabad Electric Supply Company Limited

.....Appellant

Versus

Sarwar Ali Soomro, R/o Village Muhammad Bux Shoro,
Qasimabad, Hyderabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 21.02.2022 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION HYDERABAD REGION HYDERABAD**

For the Appellant:

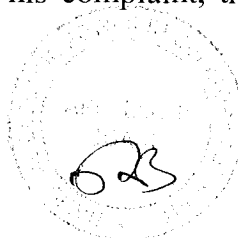
Mr. G. Farooque XEN

For the Respondent:

Mr. Sarwar Ali Soomro

DECISION

1. As per fact of the case, the Respondent namely, Mr. Sarwar Ali Soomro is a domestic consumer of the Appellant (the "Hyderabad Electric Supply Company Limited" or "HESCO") bearing Ref No.01-37182-0021400 having sanctioned load of 1 kW and the applicable tariff category is A-1(a).
2. The Respondent filed a complaint before the Provincial Office of Inspection Hyderabad Region, Hyderabad (the "POI") on 11.01.2021 and agitated the billing for the period August 2013 to October 2020. In his complaint, the Respondent submitted that the

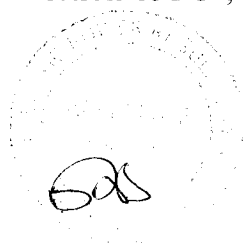




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premises was under construction and the connection was not in use till the year 2019, however, the Appellant charged the irregular bills for several months. The complaint of the Respondent was disposed of by the POI vide decision dated 21.02.2022, wherein the bills charged by the Appellant for the period August 2013 to September 2021 along with late payment surcharge (LPS) were cancelled.

3. Being dissatisfied, the Appellant had challenged the POI decision dated 21.02.2022 (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 theft of electricity, and less consumption was recorded as compared to the connected load, hence the bills for total 8,235 units for the period from August 2013 to September 2021 were charged to the Respondent @ 81 units/month; that the Respondent agreed with the above bills and made payment of Rs.45,0000/- in twelve (12) months; that the use of extra phase by the Respondent was verified during site checking dated 12.04.2021 but the POI pronounced 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 use 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 in the best interest of justice.

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 05.06.2022 wherein he raised the preliminary objection regarding limitation and stated that the copy of the impugned decision dated 21.02.2022 was obtained by the Appellant on 24.02.2022 and the appeal was filed before the NEPRA on 13.04.2022, which is not within thirty (30) days limit as per law. The Respondent contended that the connection of the premises remained disconnected till the year 2019 due to no use of electricity, thereafter it was restored, which can be witnessed from the examination of the gas consumption report. The Respondent further contended that the wrong bill was done by the Appellant, which was not acceptable. He rebutted the stance of the Appellant and submitted that the payment of Rs.35,0000/- was made against the arrears instead of detection bills. The Respondent refuted the allegation of theft of electricity and argued that the premises is still under construction due to which less consumption of electricity was recorded by the meter. The Respondent finally prayed for the maintainability of the impugned decision and withdrawal of disputed detection bills.

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



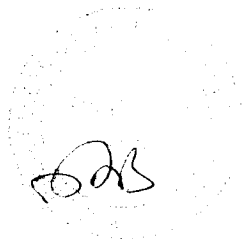
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parties (the Appellant and Respondent) were present. At the outset of the hearing, the question of limitation was raised by this forum. In response, the Appellant submitted that the impugned decision was passed by the POI on 21.02.2022, a copy of which 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 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 21.02.2022, 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 21.02.2022. 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 as envisaged 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





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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

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 21/07/2022

