



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

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No. NEPRA/Appeal/079/2024/1009

December 03, 2024

- | | |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. Maqsood Ahmed Khan,
House No. 178-A, Unit No. 11,
Latifabad, Hyderabad
Cell No. 0343-3706636 | 2. Chief Executive Officer,
HESCO Ltd,
WAPDA Offices Complex,
Hussainabad, Hyderabad |
| 3. Executive Engineer (Operation),
HESCO Ltd, Operation Division-II,
Latifabad, Hyderabad
Cell No. 0337-2192772 | 4. Sub Divisional Officer (Operation),
HESCO Ltd,
Kohsar Sub Division,
Kohsar |
| 5. POI/Electric Inspector,
Hyderabad Region,
Civil Line Banglow No. 48-B,
Opposite Income Tax Office,
Hyderabad | |

Subject: **Appeal No.079/2024 (HESCO Vs. Maqsood Ahmed Khan) Against the Decision Dated 28.12.2022 of the Provincial Office of Inspection to Government of the Sindh Hyderabad Region, Hyderabad**

Please find enclosed herewith the decision of the NEPRA Appellate Board dated 03.12.2024 (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 of the Appellate Board on the NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.079/POI-2024

Hyderabad Electric Supply Company Limited

.....Appellant

Versus

Maqsood Ahmed Khan, House No.178-A,
Unit No.11, Latifabad, Hyderabad

.....Respondent

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

For the Appellant:

Syed Aqib Abbas XEN

For the Respondent:

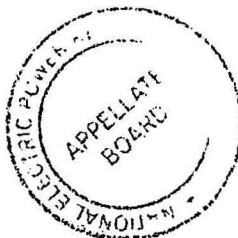
Nemo

DECISION

1. Through this decision, the appeal filed by Hyderabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 28.12.2022 of the Provincial Office of Inspection, Hyderabad Region, Hyderabad (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Maqsood Ahmed Khan (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.14-37122-1198100-U with sanctioned load of 01 kW and the applicable tariff category is A-1R. The Respondent filed a complaint before the POI on 11.01.2019 and challenged the bills for the period from August 2012 to October 2017 with the plea that the Appellant debited the unjustified bills despite the connection under dispute is P-DISC. The complaint of the Respondent was disposed of by the POI vide decision dated 28.12.2022, wherein the bills for the period from August 2012 to October 2017 and the detection bills for the period March 2017 to May 2017 along with LPS were cancelled and the Appellant was directed to stop billing and update the record of the said connection as permanently disconnected.

Appeal No.079/POI-2024

Page 1 of 3

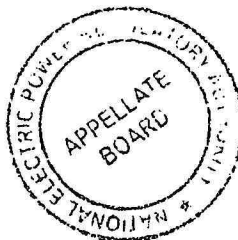


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National Electric Power Regulatory Authority

3. The Appellant has filed the instant appeal against the afore-said decision dated 28.12.2022 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant opposed the impugned decision *inter alia*, on the following main grounds that the Respondent was found involved in direct theft of electricity from August 2012 and onwards; that the POI without visiting the premises and considering proof of theft of electricity, cancelled the entire bills along with LPS; that the concerned sub-division was bifurcated in two sub-division and the Respondent was allotted new reference number, how is it possible that the said reference number was mentioned by the POI before its allotment; that the copy of the impugned decision was obtained on 29.01.2024; that the POI without scrutinizing the record made available to him has rendered the impugned decision; and the same is liable to be set aside being unjustified.
4. Notice dated 13.08.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not filed.
5. A hearing was conducted at NEPRA Regional Office Hyderabad on 09.10.2024, wherein, the Appellant was represented by XEN and no one entered appearance for the Respondent. In response to the question of limitation raised by this forum, the Appellant contended that the delay in filing the appeal is neither intentional nor deliberate and the appeal was filed lately due to bifurcation of sub-division and verification from the POI. The Appellant prayed that the delay in filing the appeal be condoned in the best interest of justice and that the case be decided on merits instead of technical grounds. On merits, the Appellant contended that the Respondent is involved in the direct theft of electricity, therefore the detection bills were charged to him to recover the revenue loss sustained due to the illegal abstraction of electricity.
6. Arguments were heard and the record was perused. Following are our observations:
 - 6.1 While addressing the point of limitation, it is observed that a copy of the impugned decision dated 28.12.2022 was obtained by the Appellant on 29.01.2024 and subsequently preferred the instant appeal before NEPRA on 12.07.2024 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of One Hundred Sixty-Six (166) days from the date of receipt of the impugned decision.
 - 6.2 As per sub-section (3) of Section 38 of the NEPRA Act 1997, any person aggrieved by the



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National Electric Power Regulatory Authority

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. Reliance in this regard is placed on judgment dated 25.04.2016 of the honorable Lahore High Court Lahore rendered in the Writ Petition Nos.16172/15, 1637/15, 14895/15, 13470/15, 29335/15, 19916/15, 11039/15, 16677/15, 19763/15, 29623/15, 13908/15, 18195/15, 19762/15, 19882/15, 812/15 & 5119/15, wherein it was held that the POI is bound to transmit copy of the decision to the parties and the period of limitation is to be counted from the date of receipt of the copy of such decision, the relevant excerpt of the said judgment is reproduced below for the sake of convenience:

"12. The above discussion leads me to irresistible conclusion that the Provincial Office of Inspections/Electric Inspector is bound to transmit the copy of the order to the aggrieved person through the modes provided under Regulation 4 of Regulation 2012 and in this way, the period of limitation for filing an appeal in terms of subsection (3) of section 38 will be calculated from the date of receipt of order."

7. In view of the foregoing discussion, we opined that the delay of One Hundred Sixty-Six (166) 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 delay in filing the appeal. As such the appeal filed before NEPRA is time-barred and dismissed.

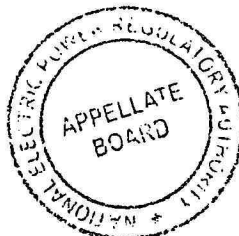
Abid Hussain
Member/Advisor (CAD)

Naweed Illahi Sheikh
Convener/DG (CAD)

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

Dated: 03-12-2024

Appeal No.079/POI-2024



Page 3 of 3