



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

NEPRA Office, Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/152/POI/2018/ 2291-2295

October 17, 2019

- | | |
|--|---|
| 1. Qasim Malik
R/o. 1752, Habib Colony,
Pirwadhai, GB Stand,
Rawalpindi | 2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad |
| 3. Muhammad Khalid Zaman
Advocate High Court,
Suit No. 4, First Floor,
Malik Plaza, F-8 Markaz,
Islamabad | 4. Sub Divisional Officer
IESCO Ltd,
Pirwadhai Sub Division,
Rawalpindi |
| 5. Electric Inspector/POI,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad | |

Subject: **Appeal Titled IESCO Vs. Qasim Malik Against the Decision Dated 16.05.2018 of the Provincial Office of Inspection to Government of the Punjab Islamabad Region, Islamabad**

Please find enclosed herewith the decision of the Appellate Board dated 15.10.2019, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

No. NEPRA/Appeal/152/POI/2018/ 2296

Forwarded for information please.

(Ikram Shakeel)

October 17, 2019


Assistant Director
Appellate Board

1. Registrar
2. Director (IT) --for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No.152/2018

Islamabad Electric Supply Company LimitedAppellant

Versus

Qasim Malik, R/o 1752, Habib Colony, Pirwadhai,
GB Stand, RawalpindiRespondent

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

For the appellant:

Mr. Khalid Zaman Advocate

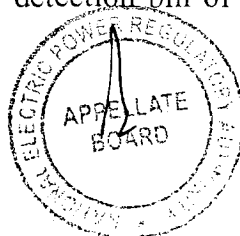
Mr. S. Rahat Ali SDO

For the respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Islamabad Electric Supply Company Limited (IESCO) against the decision dated 16.05.2018 of Provincial Office of Inspection, Islamabad region, Islamabad (POI) is being disposed of.
2. As per facts of the case, the respondent is an industrial consumer of IESCO bearing Ref No.28-14327-5068701 with a sanctioned load of 18 kW under the B-1 tariff. Audit Department vide Audit Note No.51 dated 02.01.2017 pointed out that the connected load of the respondent was higher than the sanctioned load and recommended to charge the detection bill of Rs.213,759/- for 435 kW MDI for the



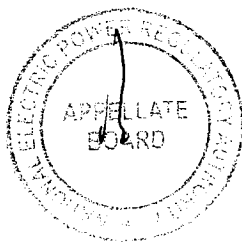


National Electric Power Regulatory Authority

period August 2015 to December 2016 to the respondent on account of change of tariff (from B-1 to B-2). Resultantly, IESCO issued notice dated 23.10.2017 to the respondent for illegal extension of load and charged the above detection bill to the respondent and added in the bill for November 2017, which was assailed by the respondent before POI on 24.11.2017. The complaint of the respondent was disposed of by POI vide decision dated 16.05.2018 with the following conclusion:

“Summing up all the above observations/discussion and keeping in view all the aspects of the case this forum declares the charging of Rs.213,759/- in 11/2017 on the basis of Audit Note as null, void and without any legal effect and the consumer is not liable to pay the same. The IESCO/Respondents are directed to withdraw the same and overhaul the petitioner’s account by adjusting all Credits, Debits, Deferred Amount & Payments already made by the consumer.”

3. Through the instant appeal, afore referred decision dated 16.05.2018 of POI has been impugned by IESCO. In its appeal, IESCO contended that the Audit Department pointed out that the respondent was using electricity beyond the sanctioned load and recommended to recover an amount of Rs.213,759/- for 435 kW MDI for the period August 2015 to November 2016 on account of difference of tariff. IESCO challenged the impugned decision on the plea that POI lacks the jurisdiction to entertain and adjudicate upon the matter as reliance is placed on PLD 2012 SC 371. As per IESCO, POI did not consider the relevant record, facts and law and rendered the impugned

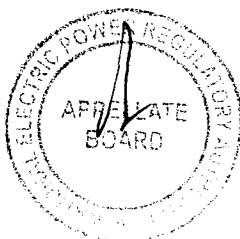




National Electric Power Regulatory Authority

decision, which is liable to be set aside. In its application for condonation of delay, IESCO prayed that the delay in filing the instant appeal was not intentional, which may be condoned and the matter be decided on merits.

4. Despite the notice for filing reply/para-wise comments to the appeal, the respondent did not submit the reply.
5. Hearing of the appeal was conducted in NEPRA Head Office, Islamabad on 24.09.2019, which was attended by the learned counsel along with SDO IESCO and no one appeared for the respondent. At the outset of the hearing, learned counsel for IESCO argued on the question of limitation. He reiterated the grounds of the application for condonation of the delay and averred that the delay in filing the appeal was not intentional as the time was consumed in the internal departmental process. It was further pleaded that the delay is neither intentional nor deliberate, therefore the appeal may be decided on merits so as to avoid irreparable loss and injury to IESCO. Besides learned counsel for IESCO asserted that the application for condonation of the delay was not opposed by the respondent, the same may be accepted and the appeal be decided on merits.
6. Arguments heard and the record placed before us was examined. It is observed that the impugned decision was announced on 16.05.2018, admittedly copy of the same was received by IESCO on 11.06.2018 and the appeal was filed before NEPRA on 06.08.2018 after a lapse of 82 days. Pursuant to Section 38 (3) of NEPRA Act 1997, an appeal against the impugned decision of POI should be filed within 30 days of its receipt





National Electric Power Regulatory Authority

but the appeal in hand was filed much after expiry of the said period. We are not convinced with the arguments of IESCO for condonation of the delay as no sufficient reasons have been given for the delay in filing the appeal before NEPRA. Hence the application for condonation of the delay is rejected and the appeal is dismissed being time-barred.

A handwritten signature in black ink, appearing to read "Qamar-uz-Zaman", is written over a horizontal line.

Muhammad Qamar-uz-Zaman
Member

A handwritten signature in black ink, appearing to read "Nadir Ali Khoso", is written over a horizontal line.

Nadir Ali Khoso
Convener

A handwritten signature in black ink, appearing to read "Shafique", is written over a horizontal line.

Muhammad Shafique
Member

Date: 15.10.2019

