



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

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No. NEPRA/Appeal/076/POI/2021/ 280


March 10, 2022

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|---|---|
| 1. Wing Commander (R) Ijaz Al Muzaffar Minhas<br>R/o. House No. 411, St. No. 17,<br>PAF Falcon Complex (AFOHS),<br>PAF Base, Chaklala, Rawalpindi | 2. Chief Executive Officer<br>IESCO Ltd,<br>Head Office, St. No. 40,<br>Sector G-7/4, Islamabad |
| 3. Faisal Bin Khurshid,<br>Advocate Supreme Court,<br>Office No. 3, First Floor,<br>National Arcade, 4-A,<br>F-8 Markaz, Islamabad                | 4. Sub Divisional Officer<br>IESCO Ltd,<br>Koarnng Sub Division,<br>Rawalpindi                  |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed By Wing Commander (R) Ijaz Al Muzaffar Minhas Against the Decision of the Appellate Board Dated 20.10.2021 In The Matter Wing Commander (R) Ijaz Al Muzaffar Minhas Vs. IESCO**

Please find enclosed herewith the decision of the Appellate Board dated 03.03.2022, 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. Director (IT) –for uploading the decision on NEPRA website



# National Electric Power Regulatory Authority

## Before Appellate Board

In the matter of

**REVIEW PETITION FILED BY WING COMMANDER ® IJAZ AL MUZAFFAR MINHAS UNDER THE NEPRA REVIEW (PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED 20.10.2021 OF NEPRA IN THE APPEAL NO.076/POI-2021**

Wing Commander (R) Ijaz-al-Muzaffar Minhas  
R/o House No.411, St No.17, PAF Falcon Complex (AFOHS),  
PAF Base Chaklala Rawalpindi .....Petitioner

Versus

Islamabad Electric Supply Company Limited .....Respondent

For the Petitioner:

Wing Commander (R) Ijaz-al-Muzaffar Minhas

For the Respondent:

Mr. Faisal Khursheed Advocate

Mr. Asif Haider SDO

## DECISION

1. Through this decision, the review petition filed by Mr. Ijaz-al-Muzaffar Minhas (hereinafter referred to as the "Petitioner") against the decision dated 20.10.2021 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") is being disposed of.
2. Briefly speaking, IESCO charged the detection bill of Rs.186,000/- for 10,118 units to the Petitioner in October 2017 on account of pending units, which was challenged before the NEPRA in January 2018. NEPRA vide letter dated 04.02.2020 referred the case to the Provincial Office of Inspection, Islamabad Region, Islamabad (the



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“POI”) for decision. The matter was disposed of by POI vide its decision dated 30.09.2020 against which the Appeal No.106-2020 was filed by the Petitioner before NEPRA under Section 38(3) of the NEPRA Act, 1997. NEPRA Appellate Board vide decision dated 25.11.2020 remanded back the matter to POI for adjudication on merits after providing the opportunity of hearing to both the parties. Accordingly, the POI afforded the opportunity of hearing to both the parties and disposed of the matter vide decision dated 16.03.2021.

3. Being dissatisfied with the above-mentioned decision of the POI, IESCO filed an appeal before the NEPRA, which was registered as the appeal No.076-2021. The NEPRA Appellate Board vide decision dated 20.10.2021 (hereinafter referred to as the “impugned decision”) disposed of the matter with the following conclusion:

*“It is observed that IESCO charged the wrong bills to the Petitioner with fake snapshots till September 2017 and later on raised a detection bill of Rs.186,000/- for 10,118 units as per meter reading noted by IESCO. The above detection bill was initially agitated by the Petitioner before NEPRA in January 2018. During the pendency of complaint before NEPRA, the Petitioner filed a civil suit before the Civil Court, Rawalpindi on 15.05.2018 against the charging of the above-said detection bill, which was dismissed by the Honorable Civil Court vide order dated 14.09.2019, the operative portion of which is reproduced below:*

*“As plaintiff has miserably failed to produce the cogent and confident inspiring evidence in support of his version, therefore, suit of the plaintiff is hereby dismissed. There is no order as to cost. Decree sheet be prepared accordingly and Ahlmad of this court is directed to consign the file to the record room after its due completion and compilation.”*

*However, in early proceedings before NEPRA and POI, both the parties did not disclose the filing of the civil suit. In view of the above, we are inclined to agree with the arguments of learned counsel for IESCO that the matter had already been decided by the honorable Civil Court as such it cannot be*



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*agitated before NEPRA or POI. Foregoing in view, the appeal is dismissed and all the previous decisions by the POI and NEPRA are revoked."*

4. The Petitioner filed a review petition before the NEPRA on 04.11.2021, wherein he opposed the impugned decision inter alia, on the following grounds; (1) the appeal was disposed of by the Civil Court in January 2020 against which he had the option to go to the High Court within 30 days but he preferred an application dated 30.01.2020 before the CAD NEPRA as per the advice of the POI; (2) CAD NEPRA vide letter dated 04.02.2020 forwarded the case to the POI for decision; (3) the POI disposed of the matter against which Appeal No.076-2021 was filed before the NEPRA; (4) the NEPRA Appellate Board overlooked para-E of the appeal No.076/2021 wherein it was disclosed that the case was dismissed by the Civil Court; (5) that the matter was not taken with the civil authorities on the advice of POI and CAD NEPRA; (6) these forums are legally competent enough to take up such issue; (7) my review petition may be accepted and the whole matter be reconsidered for the favorable disposal.
5. After issuing notice, the review petition was heard in the NEPRA Regional Office Islamabad on 23.02.2022, wherein both the parties were present. The Petitioner repeated the same contentions as given in the review petition and stated that it was disclosed in the appeal that the matter was decided by the Civil Court against which he filed an appeal before the District Judge Rawalpindi but the same was dismissed by the District Judge Rawalpindi vide order dated 20.01.2020. The Petitioner averred that he approached the CAD NEPRA, who vide letter dated 04.02.2020 referred the case to the POI for decision despite the knowledge of



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the dismissal of the appeal by the Civil Court. As per Petitioner, the POI vide decision dated 30.09.2020 allowed the recovery of detection bill in installment against which an Appeal No.106-2020 was preferred before the NEPRA Appellate Board. According to the Petitioner, the matter was remanded to the POI by the NEPRA vide decision dated 25.11.2020 for redetermination of the case. As per Petitioner, the POI vide decision dated 16.03.2021 rejected his plea and directed the IESCO for recovery of the entire disputed amount against which Appeal No.076/2021 was filed before the NEPRA which however was dismissed by the Appellate Board vide decision dated 20.10.2021. The Petitioner prayed for review of the Appellate Board decision dated 20.10.2021 and further pleaded for setting aside the POI decision dated 16.03.2021. On the contrary, learned counsel for IESCO contended that the Appellate Board decision dated 20.10.2021 is a well-reasoned, speaking, and the same should be upheld. As per learned counsel for IESCO, the Petitioner did not disclose that the appeal was filed before the District Judge Rawalpindi against the Civil Court order 14.09.2019 which was dismissed vide order dated 20.01.2020, hence the matter had attained finality and cannot be assailed before any forum pursuant to the principle of *res judicata*. According to the learned counsel for the IESCO, the parties must know the competent forum for dispute resolution. Learned counsel for the IESCO rebutted the contentions of the Petitioner and argued that the review petition of the Petitioner has no force and the same be rejected.

6. We have heard the arguments of both parties and considered the relevant



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documents placed before us. It is an admitted fact that the Petitioner filed a civil suit before the Civil Court on 15.05.2018 and disputed the detection bill of Rs.186,000/- which was dismissed by the honorable Civil Court vide order dated 14.09.2019 against which he filed an appeal before the District Judge Rawalpindi. The honorable District Judge vide order dated 20.01.2020 dismissed the appeal of the Petitioner and the decision of the Civil Court was maintained,. In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of the record. The perusal of the impugned decision dated 20.10.2021 sought to be reviewed clearly indicates that all material facts and representations made were examined in detail and there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law has been pleaded out. The review motion is not based on merit and therefore liable to be rejected.

7. In view of the above discussion, the review petition is dismissed.

Abid Hussain  
Member/Advisor (CAD)

Nadir Ali Khoso  
Convener/Senior Advisor (CAD)

Dated: 03.03.2022