



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

NEPRA Office , Ata 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/047/POI/2022/ 039

January 26, 2023

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Muzaffar Hussain Mansha,
S/o. Malik Dil Muhammad,
R/o. Walayat Complex, Bahria Town,
Phase-7, Plaza No. 101, 102,
Rawalpindi | 2. Chief Executive Officer
IESCO Ltd,
Head Office, St. No. 40,
Sector G-7/4, Islamabad |
| 3. Altaf Hayat Khan Langrah,
Advocate High Court,
Chamber No. 89, Justice Iftikhar Block,
District Court, Islamabad | 4. Malik Waqar Mehmood,
Advocate Supreme Court,
Office No. 11-G, Ahmed Hassan Josh Block,
District Courts, Rawalpindi |
| 5. Additional Executive Engineer (Op),
IESCO Ltd,
Sowan Sub Division,
Rawalpindi | 6. POI/Electric Inspector,
Islamabad Region,
XEN Office, Irrigation & Power Department,
Rawal Dam Colony, Park Road,
Islamabad |

Subject: Appeal Titled IESCO Vs. Muzaffar Hussain Mansha Against the Decision Dated 17.11.2021 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 23.01.2023, 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. 047/POI-2022

Islamabad Electric Supply Company Limited

.....Appellant

Versus

Muzaffar Hussain Mansha S/o Malik Dil Muhammad,
R/o. Walayat Complex, Bahria Town, Phase-7,
Plaza No.101, 102, Rawalpindi

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mr. Altaf Hayyat Khan Advocate

Mr. Abdul Qadeer SDO

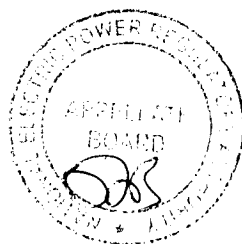
Mr. Muhammad Ubaid RO

For the Respondent:

Malik Waqar Mehmood Advocate

DECISION

1. As per fact of the case, the Respondent namely, Muzaffar Hussain Mansha is a commercial consumer of the Islamabad Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-14336-6953900 having sanctioned load of 05 kW and the applicable tariff category is A-2(c). Reportedly, the Surveillance Team of the Appellant observed that actual billing was not debited to the Respondent due to misprinted readings of the meter due to which 11,829 units remained uncharged. Therefore, the Appellant debited a detection bill of Rs.343,031/- against 11,829 units

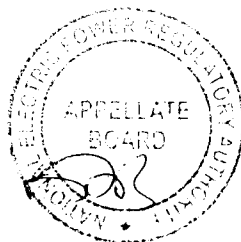




National Electric Power Regulatory Authority

to the Respondent on account of accumulated readings and added to the bill for November 2020

2. Being dissatisfied, the Respondent filed a complaint before the Provincial Office of Inspection Islamabad Region, Islamabad (the "POI"), and disputed the above detection bill. The complaint of the Respondent was disposed of by the POI vide the decision dated 17.11.2021, wherein the detection bill of Rs.343,031/- against 11,829 units debited in November 2020 was cancelled.
3. Subject appeal was filed against the afore-referred decision dated 17.11.2021 of the POI (hereinafter referred to as the "impugned decision") by the Appellant before the NEPRA on 04.03.2022. In the appeal, the Appellant opposed the impugned decision *inter alia*, on the following grounds that the impugned decision is against the law and facts of the case and has been passed without determination of material issues of law; that the POI failed to consider the documentary evidence produced by the Appellant and relied upon the oral evidence; that the impugned decision is based on surmises and conjectures; that the POI has misconceived the law and ruling cited by the counsel of the Appellant; that the POI failed to apply his judicious mind and the impugned decision has been passed in fanciful, hurry, hasty and slipshod manner; and that the impugned decision is liable to be set aside in the best of interest of justice.
4. **Proceedings by the Appellate Board**
 - 4.1. Upon the filing of the instant appeal, a Notice dated 14.04.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days





National Electric Power Regulatory Authority

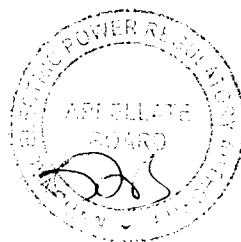
which however was not filed.

5. Hearing

5.1. The hearing was initially fixed for 02.09.2022 at NEPRA Head Office Islamabad which was adjourned for 13.01.2023 on the request of counsel for the Respondent. Again on 13.01.2023, hearing of the Appeal was conducted at NEPRA Head Office Islamabad in which counsels for both the Appellant and the Respondent were in attendance. At the beginning of the hearing, learned counsel for the Respondent pointed out that the appeal filed before the NEPRA is badly time barred being filed after the lapse of considerable time and the same is liable to be dismissed on this sole ground. In response, learned counsel for the Appellant submitted that the impugned decision was passed by the POI on 17.11.2021, copy of which is received on 12.01.2022, and the appeal was filed before the NEPRA on 04.03.2022. Learned counsel for the Appellant further submitted that the delay in filing the appeal was not intentional and the time consumed in filing the same was due to internal departmental process. Counsel for the Appellant relied upon the various judgments of superior courts reported in 2003 PLC (C.S) 796, 2019 MLD 14, 1994 CLC 2310, and PLD 2018 LHR399 and prayed that the delay in filing the appeal be condoned in the best interest of justice and that the appeal be decided on merits.

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 needs to be addressed. It is observed that the impugned decision was announced by the POI on 17.11.2021, copy of the same was obtained by the Appellant on 12.01.2022 and the present appeal





National Electric Power Regulatory Authority

was preferred before the NEPRA on 04.03.2022 against the impugned decision dated 17.11.2021. As per Section 38(3) of the NEPRA Act, any aggrieved person may file an appeal before NEPRA within 30 days from the date of receipt of the impugned decision. Therefore the appeal is delayed by fifty-two (52) days from the date of receipt of the impugned decision and no sufficient reasons have been given by the Appellant to justify the condonation of delay. Hence the contention of the Appellant for the condonation of the delay is rejected being devoid of force.

7. Forgoing in view, the appeal is barred by time. hence dismissed.

Syed Zavar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 23/01/2023.

