



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

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No. NEPRA/AB/Appeal/282/POI/2019/ *902*

November 22, 2021

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| 1. Hassan Zia Khan
R/o. 28-29, Old FFC Road,
Gulberg-II, Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Mehar Shahid Mahmood,
Advocate High Court,
Office No. 34, Third Floor,
Ali Plaza, 3-Mozang Road,
Lahore | 4. Assistant Manager (Opr),
LESCO Ltd,
Gulberg Sub Division,
Lahore |
| 5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore | |

Subject: **Appeal Titled LESCO Vs. Hassan Zia Khan Against the Decision Dated 11.12.2018 of the Provincial Office of Inspection to Government of the Punjab Lahore Region, Lahore**

Please find enclosed herewith the decision of the Appellate Board dated 09.11.2021, 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

Appeal No. 282/POI-2019

Lahore Electric Supply Company Limited

.....Appellant

Versus

Hassan Zia Khan R/o.28-29, Old FFC Road, Gulberg-II, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 11.12.2018 PASSED BY PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION LAHORE**

For the Appellant:

Mr. Mehar Shahid Mehmood advocate

For the Respondent:

Nemo

DECISION

1. As per fact of the case, the Respondent is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.12-11515-1457706-U having A-1(b) tariff. The billing meter of the Respondent was found defective with one dead phase during LESCO checking dated 13.12.2017. Resultantly, a detection bill of Rs.99,127/- for 6,074 units for the period June 2017 to November 2017 six (6) months was charged to the Respondent @ 33% slowness of the meter and added in the bill for December 2017, which was challenged by him before the Provincial Office of Inspection Lahore Region, Lahore (the POI). According to the POI, the opportunity of hearing was provided to both parties but LESCO failed to appear before the POI despite repeated notices. The matter was disposed of by the POI vide decision dated 11.12.2018





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on ex-parte basis and the detection bill of Rs.65,218/- for December 2017 was declared as null and void.

2. The appeal in hand has been filed by LESCO against the POI decision dated 11.12.2018 (hereinafter referred to as the impugned decision) before NEPRA, wherein LESCO contended that no notice was received from the POI regarding the hearing of the complaint, hence non-appearance was not deliberate. LESCO further contended the Honorable Courts had held in the following judgments PLD 2010 Pesh. 1DB, 2004 MLD 159 that the cases always be decided on merits instead of technical grounds in the interest of justice. LESCO submitted that the POI did not apply his independent and judicious mind and based the impugned decision on illegal assumptions and presumptions. As per LESCO, the display of the billing meter of the Respondent was found defective during LESCO checking dated 13.12.2017, therefore a detection bill of 6,074 units was charged to the Respondent after issuing notice. LESCO prayed that the impugned decision was decided on ex-parte in favor of the Respondent, which is liable to be set aside and the case may be remanded back for the decision on merit.
 3. Notice for filing reply/para-wise comments to the appeal was served to the Respondent, which however were not filed.
 4. After issuing notice, the appeal was fixed for hearing in the NEPRA Regional Office Lahore on 21.10.2021, which was attended by learned counsel for LESCO and no one appeared for the Respondent. In response to the question of limitation, learned counsel for LESCO stated that copy of the impugned decision dated 11.12.2018 was received by
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LESCO on 14.06.2019, and the appeal was filed on 24.06.2019 within thirty (30) days of receipt of the impugned decision as per Section 38(3) of NEPRA Act 1997. Learned counsel for LESCO contended that the case could not be defended at the lower forum as no notice was received and the impugned decision was passed by the POI on ex-parte basis without providing the opportunity of hearing to LESCO. Learned counsel for LESCO prayed that the matter be remanded back to the POI for deciding the same after hearing their arguments and consideration of record placed before him.

5. We are convinced that the impugned decision was pronounced on ex-parte basis without entertaining the stance of the Appellant LESCO. Hence the impugned decision is set aside and the matter is remanded back to the POI for deciding afresh in accordance with law after providing the opportunity of hearing to both parties.
6. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Maria Rafique
Member/ Legal Advisor

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 09.11.2021

