



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/AB/Appeal/033/POI/2021/ 090

January 27, 2022

- | | |
|--|--|
| 1. Sheikh Abdul Majeed, S/o. Sheikh Abdul Latif, 34-A/II, Mehmood Ali Kasoori Road, Gulberg-III, Lahore | 2. Chief Executive Officer LESCO Ltd, 22-A, Queens Road, Lahore |
| 3. Muhammad Nasir Mahmood Sandhu, Advocate High Court, Aasif Chamber, First Floor, 13-A, Fane Road, Lahore | 4. Assistant Manager (Operation), LESCO Ltd, Barki 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. Sheikh Abdul Majeed Against the Decision Dated 12.01.2021 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 19.01.2022, 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

Appeal No. 033/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Sheikh Abdul Majeed S/o Sheikh Abdul Lateef,
R/o Chak No.34-a-2, Moza Hadyara Mahmood Ali Qasoori Road,
Gulberg-III, Lahore Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 12.01.2021 PASSED BY PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the Appellant:

Mr. Muhammad Nasir Sandhu Advocate
Mr. Muhammad Junaid Iqbal Addl. XEN

For the Respondent:

Mr. Sheikh Abdul Majeed

DECISION

1. As per fact of the case, the Respondent is an agricultural consumer of Lahore Electric Supply Company Limited (hereinafter referred to as LESCO) bearing Ref No.45-11546-0444404-R having sanctioned load of 30 kW and the applicable tariff category is D-2b. The Respondent challenged the bill of Rs.449,115/- for April 2019 before the Provincial Office of Inspection Lahore Region, Lahore (the POI). According to the POI, the





National Electric Power Regulatory Authority

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 ex-parte vide decision dated 12.01.2021 and the disputed bill of Rs.449,115/- for April 2019 was declared as null and void.

2. The appeal in hand has been filed by the LESCO against the POI decision dated 12.01.2021 (hereinafter referred to as the impugned decision) before the NEPRA, wherein LESCO contended that no notice was received from the POI regarding the hearing of the complaint and the POI rendered the impugned decision on ex-parte basis. LESCO further contended that the POI misconstrued the real facts of the case and declared the detection bill as illegal, unjustified. LESCO prayed that the impugned decision is liable to be set aside. Barrister
3. Notice for filing reply/para-wise comments to the appeal was served to the Respondent, which were filed on 25.05.2021. The Respondent repudiated the contentions of the LESCO and averred that the POI vide letter dated 14.01.2021 intimated the LESCO for the announcement of the impugned decision but the LESCO did not obtain the copy of the impugned decision timely and filed the instant appeal after a lapse of fifty-five days, which is violative of Section 38(3) of the NEPRA Act 1997. As per Respondent, the electric supply of the premises was disconnected by the LESCO on 22.09.2017 but the LESCO charged irregular bills with fictitious readings, which were agitated time and again vide various complaints made to the LESCO. The Respondent stated that the





National Electric Power Regulatory Authority

LESCO neither appeared before the POI nor submitted a reply to the complaint even after lapse of the number of chances provided by the POI. According to the Respondent, the LESCO charged the illegal, unjustified bill despite the fact that no electricity was consumed since the date of installation of the connection. The Respondent supported the impugned decision and prayed for its maintainability.

4. After issuing notice, the appeal was fixed for hearing at the NEPRA Regional Office Lahore on 30.12.2021 in which both the parties were present. At the beginning of the hearing, the Respondent objected that the appeal is time-barred and prayed for dismissal of the appeal on this ground alone. In response to the question of limitation, learned counsel for LESCO replied that a copy of the impugned decision dated 12.01.2021 was received by LESCO on 01.03.2021, and the appeal was filed on 10.03.2021 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 served and the impugned decision was passed by the POI on ex-parte basis without hearing the LESCO. Learned counsel for LESCO prayed that the matter be remanded back to the POI for deciding the same on merits after providing the opportunity of hearing. On the other hand, the Respondent opposed the version of learned counsel for LESCO and argued that the notices were properly served by the POI but LESCO deliberately failed to appear and plead the case.
5. Arguments were heard and the record placed before us was examined. Following are our





National Electric Power Regulatory Authority

findings:

- i. At Addressing the preliminary objection on the grounds of limitation raised by the Respondent, it is noted that the copy of the impugned decision dated 12.01.2021 was received by LESCO on 01.03.2021 and the appeal was filed before NEPRA on 10.03.2021 which is within thirty (30) days of the receipt of the impugned decision as per Section 38 of NEPRA Act, 1997. The Respondent pointed out that the POI vide letter dated 14.01.2021 intimated the LESCO for the announcement of the impugned decision but the LESCO did not obtained the copy of the impugned decision timely. In this regard, it is clarified that the POI is required to send the copy of the impugned decision to the parties and the period of limitation for filing the appeal will commence from the date of receipt of the impugned decision. Reliance in this regard is placed on the judgement dated 25.04.2016 of the Honorable Lahore High Court Lahore in the W.P.No.39623-2015 bearing title LESCO vs Malik Muhammad Munir etc. The objection of the Respondent regarding limitation is therefore overruled.
- ii. No documentary evidence has been placed before us by the Respondent to substantiate his stance that notices issued by the POI were served/received by LESCO. Obviously, LESCO had no opportunity to rebut the assertions of the Respondent. We are inclined to accept the plea of LESCO for remanding back the matter to the POI.
- iii. In view of the above, the impugned decision is set aside and the matter is remanded back to the POI for deciding afresh after providing the opportunity of hearing to both





National Electric Power Regulatory Authority

the parties in accordance with the law.

6. The appeal is disposed of in the above terms.

Abid Hussain
Member/Advisor (CAD)

Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 19.01.2022

