



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

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No. NEPRA/AB/Appeal/042/POI/2020/ 758

July 13, 2022

- | | |
|---|--|
| 1. Sajjad Ali,
S/o. Khushi Muhammad,
R/o. Main Bazar, Babu Sabu,
Bund Road, Lahore | 2. Chief Executive Officer,
LESCO Ltd, 22-A,
Queens Road, Lahore |
| 3. Saeed Ahmed Bhatti,
Advocate High Court,
66-Khyber Block, Allama Iqbal Town,
Lahore | 4. Assistant Manager (Operation),
LESCO Ltd,
Bund Road 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. Sajjad Ali Against the Decision Dated 24.09.2019 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 06.07.2022, 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. 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. 042/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Sajjad Ali S/o Khushi Muhammad, R/o Main Bazar,
Babu Sabu, Bund Road, Lahore

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 24.09.2019 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION LAHORE REGION LAHORE**

For the Appellant:

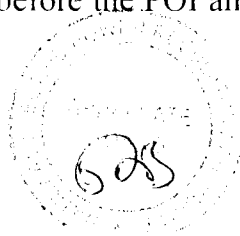
Mr. Saeed Ahmed Bhatti Advocate

For the Respondent:

Nemo

DECISION

1. As per fact of the case, the Respondent is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.46-11114-1342900-U having sanctioned load of 17 kW and the applicable tariff category is B-1b. The Respondent filed a complaint before the Provincial Office of Inspection Lahore Region, Lahore (the "POI") on 22.03.2019 and challenged the bill total amounting to Rs.164,579/- charged by the Appellant in the month of February 2019, which included the arrears of Rs.140,012/-. According to the decision of POI, several opportunities of hearings i.e. 09.04.2019, 30.04.2019, 11.06.2019, 25.06.2019, 09.07.2019, 30.07.2019, 27.08.2019, and 24.09.2019 were provided to both parties but the Appellant failed to appear before the POI and failed to submit the reply/para-wise





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comments despite repeated notices. The POI decided the case ex-parte vide decision dated 24.09.2019 whereby the arrears of Rs.140,012/-, excessively charged by the Appellant to the Respondent and added to the bill for February 2019 were declared as null and void.

2. The appeal in hand has been filed by the Appellant against the POI decision dated 24.09.2019 (hereinafter referred to as the "impugned decision") before the NEPRA. In its appeal, the Appellant opposed the impugned decision *primarily* on the grounds that neither any notice was served nor received during the pendency of complaint before the POI; that the impugned decision is sketchy, patchy, and non-speaking; that the POI failed to give the reasons, justifications and pronounced an ex-parte decision; that the Respondent while approaching the POI concealed the facts and obtained the ex-parte decision. The Appellant prayed that the impugned decision is liable to be set aside.

3. Proceedings by the Appellate Board

- 3.1 Upon the filing of the instant appeal, a Notice dated 02.07.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, no reply/comments were received from the Respondent.

4. Hearing

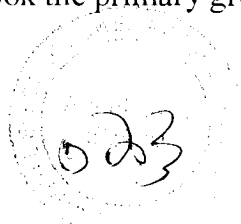
- 4.1. Hearing in the matter of the subject Appeal was initially scheduled for 10.03.2022 at NEPRA Regional Office Lahore. On the date of the hearing, counsel for the Appellant appeared before the Appellate Board, however, no one represented the Respondent. In order to provide an opportunity for hearing to both parties, the hearing was adjourned.





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- 4.2. The hearing in the subject appeal was again fixed for 02.06.2022 at NEPRA Head Office Islamabad and accordingly the notices dated 26.05.2022 were sent to the parties (i.e. the Appellant and the Respondents) to attend the hearing. Both the parties failed to appear before the NEPRA Appellate Board on the said date of hearing. However, learned counsel for the Appellant vide application dated 31.05.2022 sought adjournment of the hearing and further requested to fix the next hearing of the appeal at Lahore.
- 4.3. Keeping in view of the above request of the learned counsel for the Appellant, the hearing of the appeal was conducted at the NEPRA Regional Office, Lahore on 16.06.2022, in which learned counsel of the Appellant was present while again no one entered appearance for the Respondent. Since the hearings of the appeal had been adjourned twice and it was rescheduled for the third time wherein the Respondent again did not appear; therefore, the Appellate Board proceeded in the absence of the Respondent. During the hearing, the learned counsel for the Appellant repeated the same contentions as given in memo of the appeal and *inter alia*, contended that neither any notice was served by the POI nor any intimation was given by the Respondent regarding the proceedings before the POI, hence the impugned decision could not be decided on ex-parte basis. The Appellant prayed that the impugned decision be set aside and the matter be remanded back to POI for decision afresh after hearing the parties.
5. Arguments were heard and the record placed before us was examined. Following are our findings:
- 5.1 In its Appeal, the Appellant took the primary ground that no notices were served





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by the POI with regard to the proceedings of the Respondent's complaint, hence the impugned ex-parte decision be set aside and the matter be remanded back to the POI for the decision on merits. Copy of the Appeal was sent to the Respondent for written reply / para-wise comments. However, the Respondent neither submitted the written reply to the appeal nor appeared for the hearing scheduled thrice by the Appellate Board. As such no documentary evidence was produced before us to counter the stance of the Appellant regarding the unilateral proceedings of the POI, it is appropriate to remand back the case to POI to decide the case after confirming the veracity of the Appellant's claim and providing opportunity of hearing to both the parties.

- 6 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 the parties in accordance with the law within thirty (30) days from the date of receipt of NEPRA decision.
- 7 The appeal is disposed of in the above terms.

Syed Zawar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 06/7/2022



