



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

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No. NEPRA/Appeal/084/POI/2021/ *12/5*

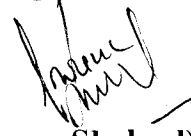
November 01, 2022

- | | |
|--|---|
| 1. Mrs. Nasreen Begum,
W/o. Abdur Rehman,
R/o. Gillani Street, Nadir Abad,
Badian Road, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Zia-ud-Din Kasuri,
Advocate Supreme Court of
Pakistan,
Hamza Chambers, 4-Mozang Road,
Lahore | 4. Shahid Mehmood Bajwa,
Advocate High Court,
Ghazi Law Chambers, 7-Link Farid Kot
Road, Lahore |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Airport Road Sub Division,
Khuda Bakhsh Colony, Airport
Road,
Lahore | 6. POI/Electric Inspector,
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: **Appeal Titled LESCO Vs. Mrs. Nasreen Begum Against the Decision Dated 31.03.2021 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 31.10.2022, 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. 084/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mrs. Nasreen Begum W/o Abdur Rehman, R/o Gillani Street,
Nadir Abad, Badian Road, Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 31.03.2021 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the Appellant:

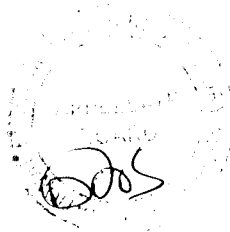
Malik Affan Ghazi Advocate

For the Respondent:

Nemo

DECISION

1. Briefly speaking, Mrs. Nasreen Begum (hereinafter referred to as the “Respondent”) is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.08-11526-0833200-U with sanctioned load of 04 kW and the applicable tariff category is A-1(a). The Appellant claims that the meter of the Respondent was found tampered with (bogus side seals) during the Metering and Testing (M&T) checking dated 23.10.2020, therefore, a detection bill of Rs.132,505/- for 4,565 units for six months for the period May 2020 to October 2020 was debited to the Respondent in November 2020.
2. Being aggrieved with the above actions of the Appellant, the Respondent filed a complaint before the Provincial Office of Inspection Lahore Region, Lahore





National Electric Power Regulatory Authority

(hereinafter referred to as the “POI”) on 31.03.2021 and assailed the arrears of Rs.132,505/- added in the bill for November 2020. According to the decision of the POI, several opportunities for hearings i.e. 22.12.2020, 12.01.2021, 02.02.2021, 17.02.2021, 10.03.2021, and 31.03.2021 were provided to both parties but the Appellant failed to appear before the POI and to submit the reply/para-wise comments despite repeated notices. The matter was decided ex-parte vide decision dated 31.03.2021 whereby arrears of Rs.132,505/- debited by the Appellant to the Respondent in November 2020 were declared null and void.

3. Subject appeal has been filed by the Appellant against the POI decision dated 31.03.2021 (hereinafter referred to as the “impugned decision”) before the NEPRA on 29.04.2021. In its appeal, the Appellant, *inter alia*, prayed for setting aside the impugned decision on the main grounds; that the impugned decision is against the law, facts, and circumstances of the case; that no notice was served by the POI and the Appellant have been deprived of the right of fair trial as per Constitution of Islamic Republic of Pakistan 1973; that the POI wrongly observed that the interim order dated 03.12.2020 was entertained by the Appellant; that the Appellants were condemned unheard without providing an opportunity of hearing; that the application of the Respondent is based on presumption and assumption which has no sanctity in the eyes of law; that the POI did not apply judicious mind and passed the impugned decision based on surmises and conjectures and that the impugned decision is liable to be set aside.





National Electric Power Regulatory Authority

4. Proceedings by the Appellate Board

4.1 Upon the filing of the instant appeal, a Notice dated 17.06.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

4. Hearing

4.1. Hearing in the matter was initially scheduled for 21.10.2021 at NEPRA Regional Office Lahore in which both the Appellant and the Respondent failed to appear. In order to provide an opportunity for hearing to both parties, the matter was adjourned till the next date.

4.2. Hearing on the subject matter was again fixed for 10.03.2022 at Lahore for which notices dated 03.03.2022 were sent to the parties. On the given date, the Respondent sought adjournment as his counsel could not appear being busy before the other court. In view of the above, the hearing was adjourned till the next date.

4.3. Lastly, hearing of the Appeal was conducted at NEPRA Regional Office Lahore on 29.09.2022. In this regard, notices dated 21.09.2022 were sent to both parties. On the given date, a counsel for the Appellant appeared and no one represented the Respondent. 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. Learned counsel for the Appellant prayed for setting aside the impugned decision and for remanding






National Electric Power Regulatory Authority

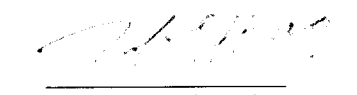
back the matter to POI for decision afresh after hearing both parties.

5. We have heard the arguments and examined the record placed before us. Our observations are as under:

5.1 The Appellant claims that no notices were served 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. Since the factual controversies are involved in the case, which needs detailed investigation to determine the fate of the disputed bill of Rs.132,505/- added in November 2020. Hence, 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 parties in accordance with the law within thirty (30) days from the date of receipt of the NEPRA decision.


Syed Zavar Haider
Member


Abid Hussain
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 31/10/2022

