



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

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No. NEPRA/Appeal/026/POI/2022/ 658

January 26, 2023

- |  |   |
|--|---|
| 1. Abid Pervaiz,<br>S/o. Jalal Din,<br>Through Jan Muhammad,<br>S/o. Ghulam Muhammad,<br>R/o. Mouza Thanna, Tehsil Depalpur,<br>District Okara | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore   |
| 3. Ch. Fiaz Ahmad Singhairah,<br>Advocate Supreme Court,<br>Office No. 6, Second Floor,<br>Anab Centre, 1-Mozang Road,<br>Lahore               | 4. Muhammad Rafique Anjum,<br>Advocate High Court,<br>Near Jama Masjid Abdullah Bin Umer,<br>Suwa, Gajomatta, Lahore                                      |
| 5. Sub Divisional Officer (Operation),<br>LESCO Ltd,<br>Hujra City Sub Division, Hujra,<br>Tehsil Depalpur, Okara                              | 6. POI/Electric Inspector,<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore |

Subject: **Appeal Titled LESCO Vs. Abid Pervaiz Against the Decision Dated 10.03.2021 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 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. 026/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Abid Pervaiz, S/o. Jalal Din, Through Jan Muhammad,  
S/o. Ghulam Muhammad, R/o. Mouza Thanna,  
Tehsil Depalpur, District Okara

.....Respondent

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

#### For the Appellant:

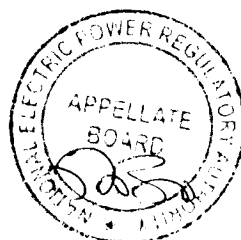
Ch. Fiaz Ahmed Singhairah Advocate  
Mr. H. Abdul Rashid SDO

#### For the Respondent:

Mr. Rafique Anjum Advocate

### **DECISION**

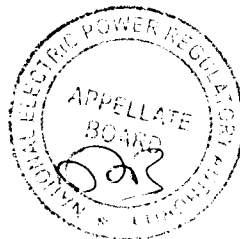
1. As per fact of the case, the Respondent namely, Mr. Abid Pervaiz is an industrial consumer of the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.24-11466-0324200 having sanctioned load of 43 kW and the applicable tariff category is B-2(b). The billing meter of the Respondent was found 33% slow due to one dead phase during the Metering and Testing ( the "M&T") checking dated 15.04.2014, therefore the Multiplication Factor (the "MF") of the Respondent was raised from 1 to 1.49 by the Appellant w.e.f May 2014 and onwards.





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2. Being aggrieved with the actions of the Appellant, the Respondent initially filed a Civil Suit before the Civil Court, Depalpur on 23.09.2016 against the excessive billing charged by the Appellant. Subsequently, the Appellant charged a detection bill (the “first detection bill”) of 7,578 units+39 kW MDI for three months for the period from February 2014 to April 2014 to the Respondent and added in May 2017. During another checking dated 21.02.2019 of the metering equipment of the Respondent conducted by the Appellant, two phases of the impugned billing meter were found dead stop resulting in 66.7% slowness. Notice dated 14.03.2019 was served to the Respondent regarding 66.7% slowness of the impugned meter and another detection bill (the “second detection bill”) of Rs.244,714/- for 13,322 units was charged to the Respondent. The impugned billing meter of the Respondent was replaced with a new meter by the Appellant in March 2020. After litigations in different courts, the honorable Lahore High Court Lahore vide order dated 11.03.2020 referred the matter to the Provincial Office of Inspection Lahore Region, Lahore (the “POI”). Accordingly, the Respondent disputed the arrears of Rs.959,893/- till February 2020 before the POI. The complaint of the Respondent was disposed of by the POI vide decision dated 10.03.2021, wherein the arrears of Rs.959,893/- till February 2020 and the detection bills charged during the years 2014 to 2020 were cancelled and the Appellant was allowed to revise the bills @ 7,494 units+26 kW MDI per month w.e.f. March 2014 and onwards till the replacement of the defective meter as per average consumption of the year 2013.
3. Subject appeal was initially filed against the afore-referred decision dated 10.03.2021 of the POI (hereinafter referred to as the “impugned decision”) by the Appellant before





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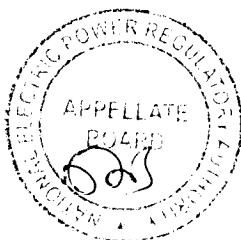
the NEPRA on 07.12.2021, which was returned owing to certain deficiencies on 16.12.2021. The Appellant resubmitted the appeal before the NEPRA on 28.01.2022. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the POI did not consider the authorization of the complainant; that the POI has illegally strived to fall the case in Clause 4.3.3(c)(ii) of the Consumer Service Manual-2020 (the "CSM-2020"); that the POI ignored the consumption pattern of the Respondent and passed the whimsical and fanciful order; that the POI decided the matter after prescribed limits of 90 days as envisaged under Section 26(6) of Electricity Act, 1910; that the claim of the Respondent is barred by time and that the impugned decision is liable to be set aside. In the application of condonation of delay, the Appellant submitted that the concerned clerk's slackness has caused the delay to file the appeal before the NEPRA which may be condoned in the interest of justice.

#### 4. Proceedings by the Appellate Board

4.1. Upon the filing of the instant appeal, a Notice dated 25.03.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted his reply before the NEPRA on 05.04.2022, wherein he raised the preliminary objection regarding limitation and submitted that the appeal filed before the NEPRA is badly time-barred being filed after 30 days. The Respondent rebutted the contentions of the Appellant regarding the charging of the bills, supported the impugned decision, and prayed for the dismissal of the appeal.

#### 5. Hearing

5.1. Hearing in the matter of the subject Appeal was scheduled for 24.11.2022 at NEPRA





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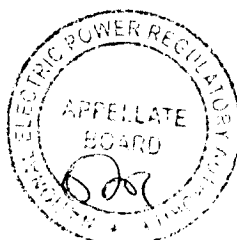
Regional Office Lahore for which notices dated 16.11.2022 were issued to both parties (the Appellant and Respondent). On the date of the hearing, both parties were present.

5.2. At the outset of the hearing, the question of limitation was raised by this forum. In response, learned counsel for the Appellant submitted that the impugned decision was pronounced by the POI on 10.03.2021, copy of which is received on 15.06.2021, and the appeal was filed before the NEPRA on 07.12.2021. The Appellant further submitted that the delay in filing the appeal was not intentional and the same was due to the internal departmental process. Learned counsel for the Appellant prayed that the delay in filing the appeal be condoned in the best interest of justice and that the appeal be decided on merits instead of technical grounds. On the contrary, the Respondent reiterated the arguments as contained in reply/para-wise comments to the appeal, defended the impugned decision, and prayed for the dismissal of appeal being barred by time.

6. Arguments were heard and the record was examined. Following are our findings:

6.1 Before going into the merits of the case, the point of limitation raised by the Respondent needs to be addressed. It is observed that the impugned decision was announced by the POI on 10.03.2021, copy of the same was obtained by the Appellant on 15.06.2021 and the present appeal was preferred before the NEPRA on 07.12.2021 against the impugned decision dated 10.03.2021. 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 one hundred seventy-six (176) days from the date of receipt of the impugned decision.

6.2 The initially submitted appeal was deficient in respect of compliance with the relevant




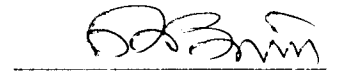


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provisions of the NEPRA (Procedure for filing Appeals) Regulations, 2012; therefore the same was returned to the Appellant on 16.12.2021. The Appellant resubmitted the appeal on 28.01.2022. In the application for condonation of delay, the Appellant submitted that the delay in filing the appeal was due to the slackness of the concerned clerk but could not provide any documentation regarding the disciplinary action taken against the delinquent official. As such the appeal was filed before the NEPRA on 07.12.2021 i.e. after one hundred seventy-six (176) days from the date of receipt of the impugned decision i.e. 15.06.2021 and no sufficient reasons have been given by the Appellant to justify the condonation of delay. The application for the condonation of the delay is rejected.

7. In view of the above, the appeal is dismissed being barred by time.

  
Muhammad Irfan-ul-Haq  
Member

  
Abid Hussain  
Convener

Dated: 23/01/2023

