



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

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No. NEPRA/Appeal/046/POI/2021/03/

January 11, 2023

- | | |
|---|---|
| 1. Karamat Ali,
S/o. Muhammad Ramzan,
R/o. House No. 6, Street No. 1,
Mohallah Ghosia Abad, Nain Sukh,
Shahdara, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Rai Abid Ali Kharal,
Advocate High Court,
Elahi Law Associates,
Office No. 25, 3 rd Floor, Ali Plaza,
3-Mozang Road, Lahore | 4. Malik Ghulam Abbas,
Advocate High Court,
Office: Muhammad Naveed Khan Law Chamber,
Office No. 11, Ferozwala Court,
Shahdara, Lahore |
| 5. Assistant Manager,
LESCO Ltd,
Faizpur Sub Division,
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. Karamat Ali Against the Decision Dated 06.08.2019 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 05.01.2023, 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. 046/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Karamat Ali S/o Muhammad Ramzan, R/o. House No.06, Street No.01,
Mohallah Ghosia Abad, Nain Sukh, Shahdara, Lahore

.....Respondent

APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997 AGAINST THE DECISION DATED 06.08.2019 PASSED BY THE PROVINCIAL OFFICE OF INSPECTION LAHORE REGION LAHORE

For the Appellant:

Mr. Rai Abid Ali Kharal Advocate

For the Respondent:

Mr. Karamat Ali

DECISION

1. As per fact of the case, the Respondent namely, Mr. Karamat Ali is an industrial consumer of the Lahore Electric Supply Company Limited (hereinafter referred to as the “Appellant”) bearing Ref No.46-11124-0104707 having sanctioned load of 7 kW and the applicable tariff category is B-1(b). The Appellant charged a detection bill of Rs.144,424/- for 11,612 units to the Respondent in November 2018 on the basis of the data retrieval report of the impugned billing meter.
2. The Respondent filed a complaint before the Provincial Office of Inspection Lahore





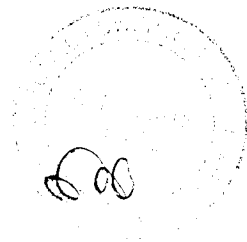
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Region, Lahore (the “POI”) on 02.01.2019 and disputed the above detection bill. The complaint of the Respondent was disposed of by the POI vide decision dated 06.08.2019, wherein the detection bill of Rs.144,424/- for 11,612 units debited to the Respondent in November 2018 was cancelled.

3. Subject appeal was initially filed against the afore-referred decision dated 06.08.2019 of the POI (hereinafter referred to as the “impugned decision”) by the Appellant before the NEPRA on 13.12.2019, which was returned owing to certain deficiencies on 19.12.2019. The Appellant resubmitted the appeal before the NEPRA on 15.02.2021. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the POI did not apply his independent and judicious mind while passing the impugned decision; that the impugned decision was based on illegal assumptions and presumptions; that the POI failed to decide the matter within 90 days as envisaged in Section 26(6) of the Electricity Act 1910; and that the impugned decision is liable to be set aside.

4. Proceedings by the Appellate Board

- 4.1. Upon the filing of the instant appeal, a Notice dated 26.04.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. Subsequently, the Respondent submitted his reply before the NEPRA on 07.10.2022. In his reply, the Respondent raised the preliminary objection regarding limitation and submitted that the appeal filed before the NEPRA is badly time-barred. The Respondent rebutted the contentions of the Appellant, regarding the charging of the above detection bill, supported the impugned decision, and prayed for the dismissal of





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the appeal.

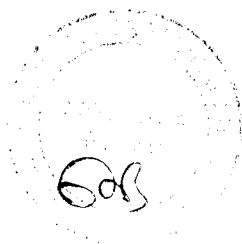
5. Hearing

5.1. Hearing in the matter of the subject Appeal was initially scheduled for 13.10.2022 at NEPRA Regional Office Lahore for which notices dated 07.10.2022 were issued to both parties (the Appellant and Respondent). On the date of the hearing, both parties were present. The Appellant submitted power of attorney and prayed for adjournment which was granted.

5.2. Hearing of the subject appeal was again fixed at NEPRA Regional Office Lahore on 24.11.2022, which was attended by both parties. At the outset of the hearing, the question of limitation was raised by this forum. In response, the Appellant submitted that the impugned decision was passed by the POI on 06.08.2019, copy of which is received on 01.10.2019, and the appeal was filed before the NEPRA on 13.12.2019. The Appellant further submitted that the delay in filing the appeal was not intentional and the same was due to the internal departmental process. The representative 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





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announced by the POI on 06.08.2019, copy of the same was obtained by the Appellant on 01.10.2019 and the present appeal was preferred before the NEPRA on 13.12.2019 against the impugned decision dated 06.08.2019. 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 sixty-four (64) 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 provisions of the NEPRA (Procedure for filing Appeals) Regulations, 2012; therefore the same was returned to the Appellant on 19.12.2019. The Appellant resubmitted the appeal on 15.02.2021, however, no application for the condonation of delay was filed by the Appellant. As such the appeal was filed before the NEPRA on 13.12.2019 i.e. after a lapse of sixty-four (64) days from the date of receipt of the impugned decision i.e. 01.10.2019 and no sufficient reasons have been given by the Appellant to justify the condonation of delay.

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

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 02/01/2023

