



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

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No. NEPRA/Appeal/093/POI/2020/ 656

January 26, 2023

- | | |
|---|---|
| 1. Muhammad Iqbal,
S/o. Nazir Ahmed,
R/o. Hameed Street, Malak Park,
Baradari Road, 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. Assistant Manager (Operation),
LESCO Ltd,
Jia Musa 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. Muhammad Iqbal Against the Decision Dated 04.12.2018 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. 093/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Iqbal, S/o. Nazir Ahmed, R/o. Hameed Street,
Malak Park, Baradari Road, Shahdara, Lahore

.....Respondent

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

For the Appellant:

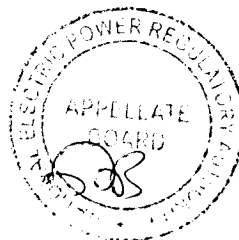
Rai Abid Ali Kharal Advocate

For the Respondent:

Nemo

DECISION

1. Briefly speaking, Mr. Muhammad Iqbal (hereinafter referred to as the "Respondent") is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.46-11132-1549200-U with sanctioned load of 04 kW and the applicable tariff category is B-1.
2. The Respondent filed a complaint before the Provincial Office of Inspection Lahore Region, Lahore (hereinafter referred to as the "POI") and assailed the bill of Rs.264,879/- charged by the Appellant added in the bill for August 2018. According to the decision of the POI, several opportunities for hearings i.e. 24.07.2018, 28.08.2018, 18.09.2018, 09.10.2018, 23.10.2018, 13.11.2018 and 04.12.2018 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 the





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decision dated 04.12.2018 and the bill of Rs.264,879/- debited by the Appellant to the Respondent in August 2018 was declared null and void.

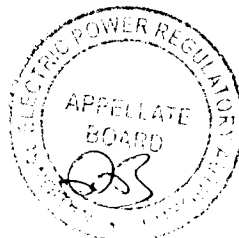
3. Subject appeal has been filed by the Appellant against the POI decision dated 04.12.2018 (hereinafter referred to as the "impugned decision") before the NEPRA on 08.11.2019. In its appeal, the Appellant, *inter alia*, prayed for setting aside the impugned decision on the main grounds: that the impugned decision is against the law and facts of the case; that no notice was served by the POI, hence non-appearance was not deliberate that reliance in this regard is placed on the various judgments of courts reported in PLD 2010 Pesh 1 DB, PLD 1976 Kar 1098 and 2004 MLD 159; that the POI passed the impugned decision without perusing the record and; that the case be remanded back to the POI for the decision on merits in the interest of justice.

4. **Proceedings by the Appellate Board**

- 4.1 Upon the filing of the instant appeal, a Notice dated 02.10.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however were not submitted.

5. **Hearing**

- 5.1 Hearing in the matter was initially scheduled for 16.06.2022 at NEPRA Regional Office Lahore in which both the Appellant and the Respondent appeared. However, the case was adjourned at the request of representative for the Appellant.
- 5.2 Hearing on the subject matter was again fixed for 23.08.2022 at Lahore for which notices dated 15.08.2022 were sent to the parties. On the given date, counsel for the Appellant submitted power of attorney to plead the case whereas, no one appeared for





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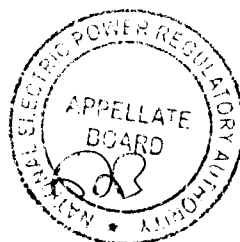
the Respondent. In order to provide an opportunity of hearing to the Respondent, the case was adjourned till the next date.

5.3 A hearing of the Appeal was conducted at Lahore on 29.09.2022. In this regard, notices dated 21.09.2022 were sent to both parties. On the given date, proxy counsel for the Appellant appeared, and again no one represented the Respondent. Proxy counsel for the Appellant informed that the main counsel is busy before Islamabad High Court at Islamabad and could not attend the hearing. He requested for adjournment of the case. In view of the above, the hearing was adjourned till the next date.

5.4 Lastly, hearing of the appeal was conducted at NEPRA Regional Office Lahore on 24.11.2022 which was attended by counsel for the Appellant and on 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 back the matter to POI for decision afresh after hearing both parties.

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

6.1 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





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the factual controversies are involved in the case, which needs detailed investigation to determine the fate of the bill of Rs.264,879/- added in August 2018. 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.

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 23-01-2023

