



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

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No. NEPRA/Appeal/104/2021/666

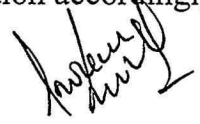
November 20, 2023

- | | |
|---|---|
| 1. Tanveer Ali,
S/o. Anayat Ali,
R/o. E-57/1, Street No. 07,
Peer Colony, Near Post Office,
Walton Road, Lahore Cantt | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Mehar Shahid Mehmood,
Advocate High Court,
Office No. 34, Third Floor,
Ali Plaza, 3-Mozang Road,
Lahore | 4. Assistant Manager (Operation),
LESCO Ltd,
Walton 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. Tanveer Ali Against the Decision Dated 26.01.2021 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 20.11.2023 (03 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (AB)

Forwarded for information please.

1. Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.104/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Tanveer Ali S/o. Anayat Ali, R/o. E-57/1, Street No.07,
Peer Colony, Near Post Office, Walton Road, Lahore Cantt

.....Respondent

APPEAL U/S 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Nemo

For the Respondent:

Mr. Tanveer Ali

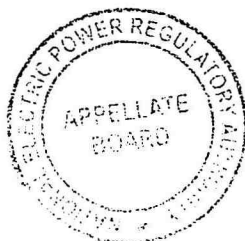
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 26.01.2021 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Tanveer Ali (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.10-11521-0923902-U with sanctioned load of 2 kW and the applicable tariff category is A-1(a). The Respondent challenged before the POI the detection bill of Rs.190,054/- against 11,178 units for six months for the period from March 2019 to August 2019 debited by the Appellant on account of theft of electricity. The complaint of the Respondent was disposed of vide the POI decision dated 26.01.2021, wherein the detection bill of Rs.190,054/- against 11,178 units for six months for the period from March 2019 to August 2019 was cancelled and the Appellant was allowed to revise the bills w.e.f July 2019 and onwards

Appeal No.104/POI-2021

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till the replacement of the impugned meter as per consumption of corresponding month of the previous year. The Appellant was further directed to overhaul the billing account of the Respondent, accordingly.

3. Through the instant appeal, the afore-referred decision of the POI has been impugned by the Appellant before the NEPRA. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the impugned decision is against the facts and law of the case; that the POI has not applied judicious mind while passing the impugned decision; that the POI failed to decide the matter within 90 days, which is violation of Section 26(6) of the Electricity Act 1910; that the POI has not thrashed out the consisting reasons in the matter and assed the illegal order and that the impugned decision is liable to be set aside.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, notice dated 22.10.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which however remained unanswered.

5. **Hearing**

- 5.1 Hearing was initially conducted on 02.06.2023, which however were adjourned due to the absence of the Appellant. Again, hearing was conducted at NEPRA Regional Office Lahore on 08.09.2023 which was attended by the Respondent, whereas the Appellant again failed to appear. The Respondent raised the preliminary objection of limitation and averred that the appeal filed before the NEPRA is time-barred, hence the same is liable to be dismissed on this sole ground.

6. Arguments heard and the record perused. Following are our observations:

6.1 **Limitation for filing Appeal:**

Before going into the merits of the case, the preliminary objection of the Respondent regarding limitation needs to be addressed. It is observed that a copy of the impugned decision dated 26.01.2021 was obtained by the Appellant on 02.02.2021 and the appeal was filed before the NEPRA on 15.03.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal after a lapse of forty-one (41) days from the date of receipt of the impugned decision. As per sub-section (3) of Section 38 of the NEPRA Act 1997, any person aggrieved by the decision of the POI may prefer an appeal to NEPRA within thirty days of receipt of the order.



National Electric Power Regulatory Authority

Further, it is supplemented with Regulation 4 of the NEPRA (Procedure for filing Appeals) Regulations, 2012 (the "Appeal Procedure Regulations") which also states that the Appeal is required to be filed within 30 days of the receipt of the impugned decision of POI by the Appellant, however, a margin of 7 days' is provided in case of submission through registered post, and 3 days in case of submission of appeal through courier is given in the Appeal Procedure Regulations. Thus, the delay of forty-one (41) days in filing the appeal before the NEPRA from the date of receipt of the impugned decision is not condonable as neither the sufficient reasons have been given by the Appellant in the appeal nor could appear despite repeated notices to justify the condonation of the delay.

7. Foregoing in view, the appeal filed before NEPRA is time-barred; hence dismissed.

Abid Hussain
Member

Naweed Illahi Sheikh
Convener

Muhammad Irfan-ul-Haq
Member

Dated: 20-11-2023

