



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

NEPRA Office , Ata Turk Avenue (East), G5/1, Islamabad  
Tel. No. +92 051 2013200 Fax No. +92 051 2600030  
Website: [www.nepra.org.pk](http://www.nepra.org.pk) E-mail: [office@nepra.org.pk](mailto:office@nepra.org.pk)

No. NEPRA/Appeal/123/2020/ 098

February 09, 2023

- |   |  |
|---|--|
| 1. Malik Muhammad Nawaz,<br>R/o. Meraj Park, Begum Kot,<br>Lahore   | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore                        |
| 3. Rai Abid Ali Kharal,<br>Advocate High Court,<br>Elahi Law Associates, Office No. 25,<br>3 <sup>rd</sup> Floor, Ali Plaza, 3-Mozang Road,<br>Lahore     | 4. Sub Divisional Officer (Operation),<br>LESCO Ltd,<br>Sheikhupura Road Sub Division,<br>Lahore |
| 5. 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. Malik Muhammad Nawaz Against the Decision Dated 04.02.2020 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 06.02.2023, 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. 123/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Malik Muhammad Nawaz, R/o Meraj Park  
Begum Port, Lahore

.....Respondent

### **APPEAL UNDER SECTION 38(3) OF THE 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. As per fact of the case, the Respondent namely, Malik Muhammad Nawaz is a domestic consumer of the Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.03-11161-050000 having the applicable tariff category A-1(a). The Respondent filed a complaint before the Provincial Office of Inspection Lahore Region, Lahore (the "POI"), and disputed the arrears of Rs.34,111/- added to the bill for October 2019. The complaint of the Respondent was disposed of by the POI vide the ex-parte decision dated 04.02.2020, wherein the above-said arrears of Rs.34,111/- were declared null and void.
2. Subject appeal was initially filed against the afore-referred decision dated 04.02.2020





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of the POI (hereinafter referred to as the “impugned decision”) by the Appellant before the NEPRA on 25.03.2020, which was returned owing to certain deficiencies. The Appellant resubmitted the appeal before the NEPRA on 30.09.2020. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the impugned decision is against the law and facts of the case and has been passed without applying judicious mind; that the no notices have been received from the POI, hence non-appearance was not deliberate; that the honorable Supreme Court of Pakistan and High Court has decided that the cases always be decided on merits instead of technical grounds in the interest of justice, reliance in this regard is placed on the judgments reported as PLJ 2010 Pesh DB, PLD 1976 Kar 1098 and 2004 MLD 159; that the POI passed the impugned decision on illegal assumptions and presumption; that the Appellant came to know about the impugned decision on 13.02.2020 when the Respondent approached for the implementation of the same; that the POI is bound to transmit the copy of the impugned decision; and that the impugned decision is liable to be set aside.

### 3. Proceedings by the Appellate Board

- 4.1. Upon the filing of the instant appeal, a Notice dated 21.10.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days which however was not filed.

### 5. Hearing

- 5.1. The hearing of the subject appeal was initially conducted on 29.09.2022, which however was adjourned for 24.11.2022 due to the non-appearance of the main counsel





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of the Appellant. Again on 24.11.2022, hearing of the appeal was held at NEPRA Regional Office in which a counsel appeared for the Appellant and no one appeared for the Respondent, however, this time proceedings commenced with the question of limitation raised by this forum. In response, learned counsel for the Appellant submitted that the impugned decision was passed by the POI on 04.02.2020, copy of which is received on 13.02.2020, and the appeal was filed before the NEPRA on 25.03.2020. Learned counsel for the Appellant further submitted that the delay in filing the appeal was not intentional and the time consumed in filing the same was due to internal department process. 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. On merits, learned counsel for the Appellant averred that the detection bill of Rs.34,111/- was debited to the Respondent on account of theft of electricity but the same aspect was not considered by the POI. Learned counsel for the Appellant stated that neither any notice was served by the POI nor received by the Appellant, therefore the ex-parte decision of the POI be set aside and the matter be remanded back to POI. In this regard, learned counsel for the Appellant was asked to submit the documents i.e. checking report, notice, detection proforma, and billing statement of the disputed connection within seven days.

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

6.1 Before going into the merits of the case, the point of limitation needs to be addressed.

It is observed that the impugned decision was announced by the POI on 04.02.2020, copy of the same was obtained by the Appellant on 13.02.2020 and the present appeal





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was preferred before the NEPRA on 25.03.2020 against the impugned decision dated 04.02.2020. 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 forty-one (41) 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. The Appellant resubmitted the appeal on 30.09.2020 but no application for the condonation of delay was filed.

6.3 As such the appeal was filed before the NEPRA on 25.03.2020 i.e. after a lapse of forty-one (41) days from the date of receipt of the impugned decision i.e. 04.02.2020 and no sufficient reasons have been given by the Appellant to justify the condonation of delay. Hence the contention of the Appellant for the condonation of the delay is rejected being devoid of force.

7. In view of the foregoing discussion, the impugned decision is maintained and the appeal is dismissed.

Muhammad Irfan-ul-Haq  
Member

Abid Hussain  
Convener

Dated: 26/02/2023

