



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

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No. NEPRA/Appeal/126/2020/660


November 20, 2023

- | | |
|---|---|
| 1. Mian Tahir Javed,
S/o. Muhammad Ashiq,
R/o. Central Park Housing Scheme,
31-KM, Ferozpur Road, Lahore | 2. Chief Executive Officer
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Ch. Mehboob ul Hassan Bhullah,
Advocate High Court,
Session Courts, Lahore | 4. Sub Divisional Officer (Operation),
LESCO Ltd,
Kahna 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. Mian Tahir Javed Against the Decision Dated 06.02.2019 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 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.126/POI-2020

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mian Tahir Javed, S/o. Muhammad Ashiq,
R/o. Central Park Housing Scheme, 31-KM,
Ferozpur Road, Lahore

.....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. M. Sajid Ch. Advocate

DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 06.02.2019 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. Tahir Javed (hereinafter referred to as the "Respondent") is a temporary connection consumer of the Appellant bearing Ref No.24-11535-1002601 U with sanctioned load of 275 kW and the applicable tariff category is E-1. The Respondent challenged before the POI the excessive bills of Rs.6,326,030/- for 257,440 units debited in December 2017 and Rs.4,865,481/- for 209,164 units debited in January 2018. The complaint of the Respondent was disposed of vide the POI decision dated 06.02.2019, wherein the bills w.e.f December 2017 and onwards till the replacement of the impugned

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meter were cancelled and the Appellant was allowed to revise the bill of the above said disputed months @ 92,173 units per month after excluding already charged units. The Appellant was further directed to overhaul the billing account of the Respondent, accordingly.

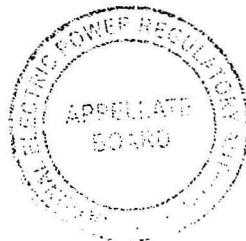
3. Through the instant appeal, the afore-referred decision of the POI has been impugned by the Appellant before the NEPRA. In the appeal, the Appellant opposed the impugned decision, *inter alia*, on the following grounds that the impugned decision is illegal, unlawful against the facts, and not sustainable in the eyes of the law; that the POI has not read the submissions advanced by the Appellant; that the bill in question was issued as per actual consumption and the same is justified according to the reading; that the display of the impugned meter of the Respondent became defective, whereas the backup meter was functioning within BSS limits; and that the appeal be accepted and the impugned decision is liable to be set aside. In the application for condonation of the delay, the Appellant submitted that the delay in filing the appeal was not intentional but due to the sanctions of COVID-19. The Appellant finally prayed that the delay in filing the instant appeal be condoned in the larger interest of justice law and equity.

4. **Proceedings by the Appellate Board**

Upon filing of the instant appeal, notice dated 09.12.2020 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. The Respondent submitted reply to the Appeal on 23.12.2020, wherein he objected to the maintainability of the appeal *inter alia*, on the following grounds that the appeal filed by the Appellant before the NEPRA after a lapse of one year and seven months from the prescribed limit, hence it is badly time-barred and is liable to be dismissed; that the COVID-19 spread in February 2020, therefore the lame excuse of the Appellant has not force, reliance is placed on PLD 2016 SC 676; that the POI decided the case on basis of facts and documentary evidences and the impugned decision is liable to be upheld and the appeal be dismissed.

5. **Hearing**

- 5.1 Hearings in the matter of the subject Appeal were conducted on 29.09.2022, 24.11.2022, and 02.06.2023, which however were adjourned due to the absence of either the Appellant or the Respondent. Finally, the hearing was conducted at NEPRA Regional Office Lahore



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on 08.09.2023 which was attended by the counsel for the Respondent, whereas the Appellant again failed to appear. The Respondent repeated the preliminary objection of limitation and averred that the appeal filed before the NEPRA is hopelessly 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 06.02.2019 was obtained by the Appellant on 04.06.2020 and the appeal was initially filed before the NEPRA on 01.09.2020 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal after a lapse of eighty-eight (88) 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. 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 eighty-eight (88) days in filing the appeal before the NEPRA from the date of receipt of the impugned decision is not condonable as no sufficient reasons have been given by the Appellant to justify the condonation of the delay.

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

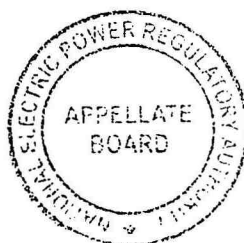

Abid Hussain
Member


Naweed Illahi Sheikh
Convener


Muhammad Irfan-ul-Haq
Member

Dated: 20-11-2023

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