



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

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No. NEPRA/Appeal/124/2022/45

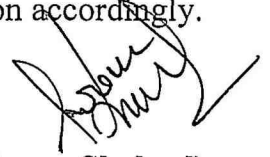
January 31, 2024

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| 1. Hafiz Muhammad Azam Arif,
S/o. Muhammad Arif,
R/ o. Khalid Park, Amin Park,
Bund Road, Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Muhammad Azam Bhatti,
Advocate High Court,
Office No. 4, First Floor,
Fahad Arcade, 16-Regal Street,
The Mall, Lahore | 4. Khalid Mahmood Malik,
Advocate High Court,
Second Floor, Zain Complex,
13-Fane Road, Lahore |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Amin Park 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 No.124/2022 (LESCO Vs. Hafiz Muhammad Azam) Against the Decision Dated 20.07.2022 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 31.01.2024 (03 pages), regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director
Appellate Board

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.124/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Hafiz Muhammad Azam Arif S/o. Muhammad Arif,
R/o. Khalid Park, Amin Park, Bund Road, Lahore

.....Respondent

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

For the Appellant:

Mr. Muhammad Azam Bhatti Advocate

For the Respondent:

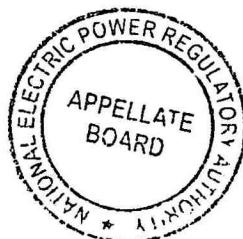
Mr. Khalid Mahmood Malik Advocate

DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 20.07.2022 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 Hafiz Muhammad Azam (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.46-11133-0354005 with sanctioned load of 07 kW and the applicable tariff category is B-1(b). The Respondent filed a complaint before the POI and challenged the detection bill of 61,108 units for six months for the period from June 2016 to November 2016 debited by the Appellant on the basis of M&T checking dated 28.12.2016. The complaint of the Respondent was disposed of by the POI vide decision dated 20.07.2022, wherein the detection bill of 61,108 units for six months for the

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National Electric Power Regulatory Authority

period from June 2016 to November 2016 was cancelled and the Appellant was directed to debit the revised bills for two months i.e. October 2016 and November 2016 on the basis of consumption of corresponding month of the previous year.

3. The Appellant has filed the instant appeal against the afore-said decision dated 20.07.2022 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant opposed the impugned decision *inter alia*, on the following main grounds that the impugned decision is result of non-reading and misreading and misinterpretation of correct law applicable in this case; that the POI ignored the M&T checking dated 28.12.2016, wherein the impugned meter was found defective with disturbed software; that the detection bill of 61,108 units for six months for the period from June 2016 to November 2016 was issued as per consumption of the Respondent; that the POI did not consider the documentary evidence coupled with oral evidence; and that the impugned decision is liable to be set aside in the interest of justice.

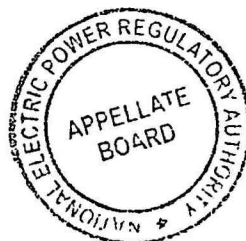
4. **Proceedings by the Appellate Board**

Upon the filing of the instant appeal, notice dated 30.11.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 20.02.2023. In his reply, the Respondent prayed for dismissal of the appeal on the ground of limitation and submitted that the appeal filed before the NEPRA is barred by time; that the Appellant with fraudulent intention mentioned in form-D that the appeal is filed within 30 days; that the POI after correct perusal of record cancelled the detection bill of 61,108 units for six months for the period from June 2016 to November 2016; that the impugned decision is liable to be maintained in the interest of justice.

5. **Hearing**

- 5.1 Hearing was conducted at NEPRA Regional Office Lahore on 19.01.2024, wherein, counsels appeared for both the Appellant and the Respondent. At the outset of the hearing, learned counsel for the Respondent raised the preliminary objection that the appeal is time-barred and the same is liable to be dismissed on the grounds of limitation. In response, the Appellant

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National Electric Power Regulatory Authority


contended that the delay in filing the appeal is neither intentional nor deliberate, hence the delay in filing the appeal be condoned in the best interest of justice and the case be decided on merits instead of technical grounds.


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


6.1 Limitation for filing Appeal:

While addressing the point of limitation, it is observed that a copy of the impugned decision dated 20.07.2022 was obtained by the Appellant on 30.08.2022 and the appeal was filed before the NEPRA on 01.11.2022 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of sixty-three (63) 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 sixty-three (63) 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 delay in filing the appeal.

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

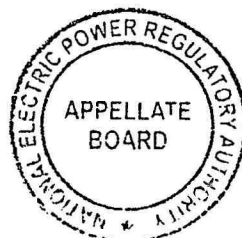

Abid Hussain
Member/Advisor (CAD)


Naweed Illahi Sheikh
Convener/DG (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

Dated: 31-01-2024

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