



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

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No. NEPRA/Appeal/153/2021/142

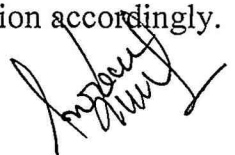
January 31, 2024

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| 1. M. Nuzhat Sultan,
R/o. House No.278,
Atta Turk Block, New Garden Town,
Lahore | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Syed Ghazanfar Hussain Kamran,
Advocate High Court,
Office No. 06, Afrab Tower,
16-Syed Moj Darya Road,
Lahore | 4. Assistant Manager (Operation),
LESCO Ltd,
Garden Town 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 No.153/2021 (LESCO Vs. M. Nuzhat Sultan) Against the Decision Dated 27.09.2021 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 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.153/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

M. Nuzhat Sultan, R/o. House No.278, Atta Turk Block,
New Garden Town, Lahore

.....Respondent

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

For the Appellant:

Mr. Ghazanfar Hussain Kamran Advocate

For the Respondent:

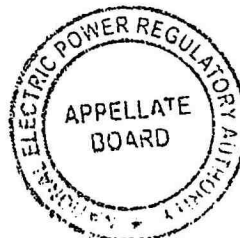
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DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 27.09.2021 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 M. Nuzhat Sultan (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.07-11513-0686600 with sanctioned load of 05 kW and the applicable tariff category is A-1(b). The Respondent approached the POI and challenged the detection bill of Rs.77,314/- against 3,951 units, which were debited by the Appellant on account of pending units and added in April 2021. The complaint of the Respondent was disposed of by the POI vide decision dated 27.09.2021, wherein the above detection bill was cancelled and the Appellant was directed to revise the bills for June 2020

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and July 2020 as per consumption of corresponding months of the year 2019 after excluding already charged units during the said months.

3. The Appellant has filed the instant appeal against the afore-said decision dated 27.09.2021 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA along with the application for the condonation of delay. In its application for condonation of delay, the Appellant submitted that no intimation was sent to the Appellant in respect of the announcement of the impugned decision due to which the appeal could not be filed before NEPRA within time. The Appellant further submitted that the delay in filing the appeal is neither intentional nor deliberate, hence this application may be accepted and the delay may be condoned in the larger interest of justice.

4. **Proceedings by the Appellate Board**

Upon the filing of the instant appeal, notice dated 04.01.2022 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 was initially held at NEPRA Regional Office Lahore on 15.12.2023, which however was adjourned due to the non-appearance of both the Appellant and the Respondent. Finally, the hearing was held at NEPRA Regional Office Lahore on 20.01.2024, wherein, a counsel appeared for the Appellant, whereas no one tendered appearance on behalf of the Respondent. In response to the question of limitation raised by this forum, learned counsel for the Appellant 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.

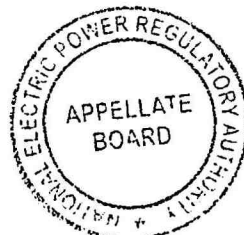
6. Arguments were heard and the record was perused. Following are our observations:

6.1 **Limitation for filing Appeal:**

While addressing the point of limitation, it is observed that a copy of the impugned decision dated 27.09.2021 was obtained by the Appellant on 29.09.2021 and the appeal was filed before

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the NEPRA on 02.12.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of sixty-four (64) 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-four (64) 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 in the application for the condonation of the delay as well as during the arguments.

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

