



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

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No. NEPRA/Appeal/160/2021/43

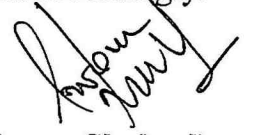
January 31, 2024

1. Ata Ullah Khan,
S/o. Muhammad Junaid,
R/o. House No.04, Mosque Jatan Wali,
Zaidar Road, Ichra, Lahore
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mujahid Akber,
Advocate High Court,
6A/12 Fane Road, Lahore
4. Assistant Manager (Operation),
LESCO Ltd,
Mustafa 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.160/2021 (LESCO Vs. Ata Ullah Khan) Against the Decision Dated 25.02.2020 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 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.160/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Ata Ullah Khan S/o. Muhammad Junaid,

R/o. House No.04, Mosque Jatan Wali, Zaidar Road, Ichra, LahoreRespondent

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

For the Appellant:

Mr. Mujahid Akber Advocate

For the Respondent:

Nemo

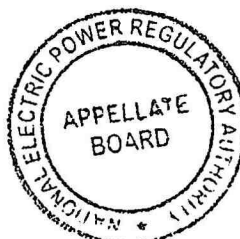
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 25.02.2020 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. Ata Ullah Khan (hereinafter referred to as the "Respondent") is a commercial consumer of the Appellant bearing Ref No.44-11261-0393006-U with sanctioned load of 05 kW and the applicable tariff category is A-2C. The Respondent approached the POI and challenged the bills of Rs.38,066/- and Rs.127,142/- debited by the Appellant in July 2019 and August 2019, respectively. The complaint of the Respondent was disposed of by the POI vide decision dated 25.02.2020, wherein the bills of July 2019 and August 2019 debited by the Appellant to the Respondent were cancelled.

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3. The Appellant has filed the instant appeal against the afore-said decision dated 25.02.2020 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant submitted that the impugned meter of the Respondent was found dead stop during M&T checking dated 21.08.2019, therefore detection bill of 4,260 units was debited to the Respondent. The Appellant further submitted that the matter between the parties can only be decided by adducing the evidence. The Appellant finally prayed that the impugned decision be set aside in the 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 the Respondent. Finally, the hearing was conducted at NEPRA Regional Office Lahore on 20.01.2024, wherein, a counsel appeared for the Appellant, whereas, again 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.

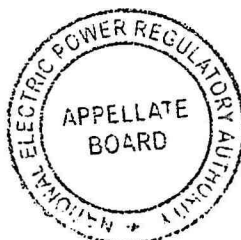
6. Arguments were heard and the record was perused. Following are our observations:

6.1 Limitation for filing Appeal:

While addressing the point of limitation, it is observed that a copy of the impugned decision dated 25.02.2020 was obtained by the Appellant on 25.05.2021 and the appeal was filed before the NEPRA on 01.11.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of one sixty (160) 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

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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 one sixty (160) 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

