



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

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No. NEPRA/Appeal/168/2021/144

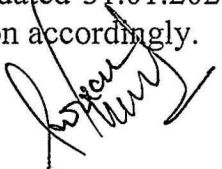
January 31, 2024

- | | |
|---|--|
| 1. Musarrat Muhammad Najam,
S/o Noor Muhammad,
R/o. Sharqpur Road, Burj Attari,
Noraywala Road, Adjacent to Vocational
Training Institute, District Sheikhupura | 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,
Burj Attari 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.168/2021 (LESCO Vs. Musarrat Muhammad Najam) Against the Decision Dated 21.04.2021 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.168/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Musarrat Muhammad Najam S/o. Noor Muhammad,
R/o. Sharqpur Road, Burj Attari, Noraywala Road,
District Sheikhpura

.....Respondent

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:

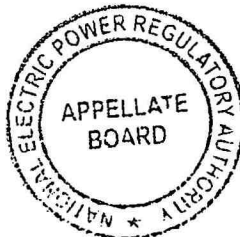
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DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 21.04.2021 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 Mr. Musarrat Muhammad Najam (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-11164-01909904-U with sanctioned load of 110 kW and the applicable tariff category is B-2(b). The Respondent filed a complaint before the POI and challenged the bills of Rs.114,447/- and Rs.134,321/- debited by the Appellant in September 2020 and October 2020 respectively. During joint checking of the POI on 24.12.2020, both the billing and backup meters of the Respondent were

Appeal No.168/POI-2021

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found working within BSS limits. The complaint of the Respondent was disposed of by the POI vide decision dated 21.04.2021, wherein the Appellant was directed to debit the revised bills for the period from September 2016 to September 2020 to the Respondent as per actual meter reading. As per POI decision, the bill of Rs.134,321/- charged in October 2020 was declared as justified and payable by the Respondent.

3. The Appellant has filed the instant appeal against the afore-said decision dated 21.04.2021 of the POI (hereinafter referred to as the “impugned decision”) before the NEPRA. In its appeal, the Appellant submitted that the bill was charged as per meter reading and there is no illegality on the part of the Appellant, hence the impugned decision is against the law and facts of the case, which 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 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.

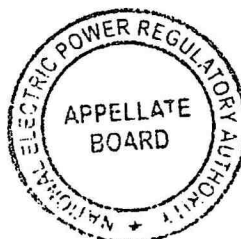
5. **Hearing**

- 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 21.04.2021 was obtained by the Appellant on 15.09.2021 and the appeal was filed before




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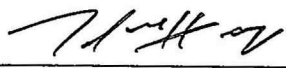
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the NEPRA on 01.11.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of forty seven (47) days from the date of receipt of the impugned decision. As per sub-section (3) 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 forty seven (47) 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

