



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

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No. NEPRA/Appeal/025/2022/ 405

April 26, 2024

- |   |  |
|---|--|
| 1. M/s. Sufi Steel Industries (Pvt.) Ltd,<br>Through its Chief Executive,<br>Mr. Muhammad Azeem,<br>Kala Khatai Road, Shandara,<br>Lahore | 2. Chief Executive Officer,<br>LESCO Ltd,<br>22-A, Queens Road,<br>Lahore  |
| 3. Mian Tabassum Ali,<br>Advocate High Court,<br>Aneexy Auqaf, Chowk High Court,<br>The Mall Lahore<br>Cell No. 0300-4182414              | 4. Muhammad Younas Chaudhary,<br>Advocate High Court,<br>Muhammad Younas Chaudhary Law<br>Chambers, 4-Begum Road, Lahore<br>Cell No. 0333-4254538        |
| 5. Assistant Manager (Operation),<br>LESCO Ltd,<br>Shahdara Sub Division,<br>Lahore   | 6. POI/Electric Inspector<br>Lahore Region, Energy Department,<br>Govt. of Punjab, Block No. 1,<br>Irrigation Complex, Canal Bank,<br>Dharampura, Lahore |

Subject: **Appeal No.025/2022 (LESCO Vs. M/s. Sufi Steel Industries (Pvt.) Ltd.)**  
**Against the Decision Dated 31.07.2018 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 26.04.2024 (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.025/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

M/s. Sufi Steel Industries (Pvt.) Ltd,

Through Chief Executive Mr. Muhammad Azeem Kala Khatai Road,

Shandara, Lahore

.....Respondent

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

For the Appellant:

Mr. Tabassum Ali Advocate

For the Respondent:

Nemo

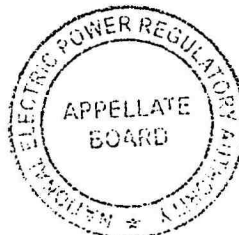
### DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 31.07.2018 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/s. Sufi Steel Industries (hereinafter referred to as the "Respondent") is an industrial consumer of the Appellant bearing Ref No.24-11131-9000800 with sanctioned load of 2,250 kW and the applicable tariff category is B-3(b). The Respondent filed a complaint before the POI and challenged the bill of Rs.28,119,612/- for April 2018. The complaint of the Respondent was disposed of by the POI vide decision dated 31.07.2018, wherein it was held that the Appellant debited excessive bills from September 2014 to September 2017 and 1,680,060 units are liable to be refunded/adjusted in future bills.
3. The Appellant has filed the instant appeal against the afore-said decision dated 31.07.2018 of the POI (hereinafter referred to as the "impugned decision") before NEPRA in September

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*M.*  
*Q.A.*





## National Electric Power Regulatory Authority

2018. NEPRA vide letter No. NEPRA/R/Appeal/POI-2018/14626-28 dated 13.09.2018 returned the appeal with the direction to the Appellant to resubmit within 07 days of receipt of this letter after rectification of shortcomings. Subsequently, the Appellant filed instant appeal before the NEPRA on 01.02.2022, wherein the Appellant opposed the impugned decision *inter alia*, on the following grounds that the POI did not consider the valid proofs in favor of the Appellant; that the impugned decision is quite silent on the very much necessary issues; that the POI did not apply his judicious mind and ignored the admitted reality/facts of the case; that the Respondent concealed the facts and his case was baseless; that the Appellant was neither heard nor decision was passed in light of presented record and facts as well as the relevant facts; that the instant appeal may be accepted by way of setting aside the impugned decision.

#### 4. Proceedings by the Appellate Board

Upon the filing of the instant appeal, notice dated 25.03.2022 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were filed on 09.04.2022. In the reply, the Respondent raised the preliminary objection regarding limitation and submitted that copy of the impugned decision dated 31.07.2018 was obtained by the Appellant on 07.09.2018, whereas the instant appeal was filed before NEPRA on 01.02.2022 after an expiry of 3 years, 5 months and 3 days from the date of receipt of the impugned decision. The Respondent further submitted that the Appellant failed to file the instant appeal within the prescribed period of 30 days. The Respondent defended the impugned decision and prayed for the dismissal of the appeal with special costs.

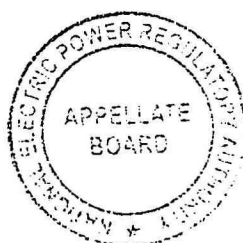
#### 5. Hearing

Hearing was conducted 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 While addressing the point of limitation raised by the Respondent, it is observed that a copy of the impugned decision dated 31.07.2018 was obtained by the Appellant on 07.09.2018

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and the appeal was initially filed before the NEPRA in September 2018. NEPRA vide letter No. NEPRA/R/Appeal/POI-2018/14626-28 dated 13.09.2018 returned the said appeal with the direction to the Appellant to resubmit it within 07 days of receipt of this letter after rectification of shortcomings. Subsequently, the Appellant filed instant appeal before the NEPRA on 01.02.2022 after a lapse of twelve hundred forty-four (1,244) days from the date of receipt of the impugned decision. The Appellant even failed to comply with the direction of the NEPRA communicated vide the above-referred letter dated 13.09.2018 and filed the subject appeal after a lapse of twelve hundred thirty-eight (1,238) days from the letter dated 13.09.2018 of the NEPRA. 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 twelve hundred forty-four (1,244) 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: 26-04-2024

