



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

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No. NEPRA/Appeal/044/2022/ 406

April 26, 2024

- | | |
|--|---|
| 1. Abdul Hameed,
S/o. Muhammad Boota,
R/o. Nokhar Qadeem, Gali Chaudhary
Hameed Wali, Farooqiabad,
Tehsil & District Sheikhpura
Cell No. 0346-9492100 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Muhammad Arif Malhi,
Advocate High Court,
01-District Court, Sheikhpura
Cell No. 0321-4915219 | 4. Assistant Manager,
LESCO Ltd,
Sucha Sauda Sub Division,
District Sheikhpura |
| 5. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala | |

Subject: Appeal No.044/2022 (LESCO Vs. Abdul Hameed) Against the Decision Dated 02.12.2021 of the Provincial Office of Inspection to Government of the Punjab Gujranwala Region, Gujranwala

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.044/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Abdul Hameed S/o. Muhammad Boota,
R/o. Nokhatr Qadeem, Gali Chaudhary Hameed Wali,
Farooqibad, Tehsil and District Sheikhupura

.....Respondent

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

For the Appellant:

Mr. Muhammad Arif Malhi Advocate
Mr. Muhammad Mazhar Iqbal SDO

For the Respondent:

Nemo

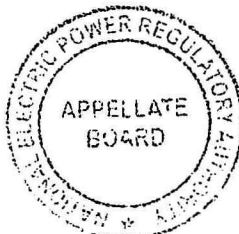
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 02.12.2021 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as the "POI") is being disposed of.
2. Brief facts of the case are that Mr. Abdul Hameed (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.15-11633-1713500 with sanctioned load of 1 kW and the applicable tariff category is A-1(a). The Respondent filed a complaint before the POI and challenged the detection bill of Rs.108,637/- debited by the Appellant in July 2017. The complaint of the Respondent was disposed of by the POI vide decision dated 02.12.2021, wherein the above detection bill was cancelled.

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3. The Appellant has filed the instant appeal against the afore-said decision dated 02.12.2021 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 grounds that the impugned decision is against the law and facts of the case; that the POI failed to take into account the defense of the Appellant and passed the impugned decision on one-sided evidence, which is not warranted by law; that the impugned decision is against the principles of natural justice; that the POI has wrongly exercised the jurisdiction which was not vested in it and the impugned decision is liable to be set aside being illegal, unlawful and without lawful authority.

4. Proceedings by the Appellate Board

Upon the filing of the instant appeal, notice dated 11.04.2022 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

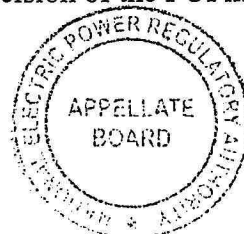
5.1 Hearing was conducted at NEPRA Regional Office Lahore on 20.01.2024, wherein, SDO for the Appellant along with a counsel appeared, whereas, again no one tendered appearance on behalf of the Respondent. In response to the question of limitation raised by this forum, learned counsel for the Appellant 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. He assured to submit the proof of dispatch of appeal within seven working days.

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 02.12.2021 was obtained by the Appellant on 19.01.2022 and the appeal was filed before the NEPRA on 28.02.2022 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of forty (40) 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

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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 (40) 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

