



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

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No. NEPRA/Appeal/001/2023/ 575

July 11, 2024

1. Mirza Naazir Hussain,
S/o. Mirza Faqeer Muhammad Baig,
Makka Ice Factory, Barf Khana Stop,
Rana Town, G. T. Road, Lahore
Cell No. 0311-4033135
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mian Muhammad Javaid,
Advocate Supreme Court,
4-Link Farid Kot Road,
Lahore
Cell No. 0300-4208513
4. Assistant Manager (Operation),
LESCO Ltd,
Rachna 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.001/2023 (LESCO Vs. Mirza Naazir Hussain) Against the Decision Dated 05.01.2021 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 11.07.2024 (04 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.001/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mirza Nazir Hussain S/o. Mirza Faqeer Muhammad Baig,

Makka Ice Factory, Barf Khana Stop, Rana Town, G.T Road, LahoreRespondent

APPEAL UNDER SECTION 38(3) OF THE REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:

Mian Muhammad Javaid Advocate

For the Respondent:

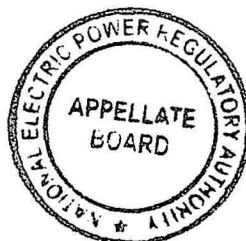
Mirza Nazir Hussain

DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as "Appellant") against the decision dated 05.01.2021 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as "POI") is being disposed of.
2. Brief facts of the case are that Mirza Nazir Hussain (hereinafter referred to as the "Respondent") is an industrial consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.36-11121-9008708-U having sanctioned load of 36 kW and the applicable tariff category is B-2(b). An electricity connection along with 50 kVA transformer was installed by the Appellant on the premises of the Respondent in the year 2003. Subsequently, the premises was rented out to Mr. Muhammad Ayaz (the "tenant") by the Respondent in the year 2011. Later on, the tenant of the Respondent defaulted in making payment of electricity bills due to which the arrears increased to the tune

Appeal No.001/POI-2023

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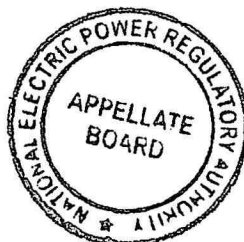
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of Rs.243,843/- till January 2020. Resultantly, the Appellant disconnected the electricity of the Respondent on 29.01.2020 and removed the 50 kVA transformer from the site. Thereafter, the Respondent paid the arrears of Rs.243,843/- on 23.04.2020 and requested the Appellant for restoration of electricity of the premises and installation of 50 kVA transformer but all in vain.

3. Being aggrieved, the Respondent initially filed Writ Petition No.11238/2020 before the Lahore High Court Lahore, which was dismissed by the honorable High Court vide order dated 13.07.2020 with the direction to approach NEPRA being competent forum. Accordingly, an application was moved before the NEPRA on 16.07.2020 for the restoration of electricity and installation of 50 kVA dedicated transformer on the premises. NEPRA vide letter dated 16.07.2020 referred the matter to the POI for further adjudication. The matter was decided ex-parte by POI vide decision dated 05.01.2021, wherein the Appellant was directed to restore the electric supply of the premises by installing the 50 kVA transformer of the Respondent.
4. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 05.01.2021 of the POI (hereinafter referred to as the "impugned decision"). In its appeal, the Appellant opposed the maintainability of the impugned decision, *inter-alia*, on the grounds that the POI did not apply his judicious mind and passed the impugned decision on illegal assumptions and presumptions; that the impugned decision is passed after the expiry of 90 days, which is a clear violation of Section 26(6) of the Electricity Act 1910, that the POI has not thrashed out the consisting reasons; and that the impugned decision is liable to be set aside.
5. Notice dated 02.02.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which however were not filed. Subsequently, a hearing of the appeal was conducted at NEPRA Regional Office Lahore on 01.03.2024, wherein both parties tendered appearance. Learned counsel for the Appellant repeated the same contention as given in memo of the appeal and contended that the POI did not serve any notice to the Appellant and decided the matter on ex-parte without affording the opportunity of hearing to the Appellant. Learned counsel for the Appellant prayed that the impugned decision is liable to be set aside and the matter be remanded back to POI for adjudication afresh after hearing both parties. Conversely, the Respondent appearing in person raised the preliminary objection regarding limitation and averred that the Appellants were well aware of the pronouncement of the impugned decision and they filed the time-barred appeal before the NEPRA to linger on the matter. On merits, the Respondent rebutted the version of the Appellant and averred that the electricity of the premises was disconnected in January 2020 due to non-payment of arrears of Rs.243,843/- and



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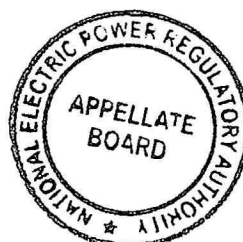
National Electric Power Regulatory Authority

the dedicated 50 kVA transformer was removed from the site. The Respondent contended that the aforesaid arrears were paid on 23.04.2020 and he requested the Appellant to restore the electricity of the premises by installing 50 kVA dedicated transformer but the Appellant with malafide intention neither restored the electricity nor re-installed the dedicated 50 kVA transformer. As per Respondent, the Appellants were even well aware of the proceedings before the POI but they did not bother to join the proceeding before the said forum in their defense. The Respondent prayed for the dismissal of the appeal being time-barred. He further pleaded for the restoration of electricity of the premises and the re-installation of 50 kVA transformer. Subsequently, NEPRA vide letter dated 09.05.2024 directed the Appellant for submission of documents i.e. billing statement, disconnection notice, application of reconnection, and copy of the paid bill, which however were not submitted by the Appellant. Therefore, to conclude the matter, the hearing was again conducted at NEPRA Regional Office Lahore on 07.06.2024, wherein counsel for the Appellant appeared and submitted a copy of the paid bill, PITC data and copy of the application of the Respondent dated 15.01.2021 for restoration of electricity.

6. Having heard the arguments and record perused. Following are our observations:

6.1 While addressing the preliminary objection of the Respondent regarding limitation, it is observed that the Respondent filed a complaint before the POI for restoration of electricity by installing 50 kVA dedicated transformer. However, the Appellant neither appeared before the POI nor submitted any reply to the complaint before the said forum despite repeated notices, this shows their lack of interest in defending the case. It is further observed that the POI decided the matter ex-parte vide decision dated 05.01.2021 and the Appellant was directed to restore electricity of the premises and for installation of 50 kVA transformer.

6.2 The Respondent filed an application dated 12.01.2021 along with a copy of the impugned decision before the Appellant for restoration of electricity by installing 50 kVA transformer but the Appellant neither implemented the impugned decision nor filed an appeal before the NEPRA within 30 days from the date of acknowledgment of the impugned decision. If the Appellant aggrieved from the decision of the POI, the Appellant would have filed the appeal before the NEPRA within 30 days from the date of acknowledgment of the impugned decision under Section 38(3) of the NEPRA Act, whereas, the Appellant applied for an attested copy of the impugned decision dated 05.01.2021 on 10.11.2022 after a lapse of more than twenty-two (22) months. Moreover, the Appellant even did not file an application for condonation of delay with the memo of appeal before this forum.







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7. In view of the foregoing discussion, we are of the considered view that the appeal filed before the NEPRA is time-barred, hence the same is dismissed. Furthermore, the Appellant is directed to restore the electricity of the premises by installing 50 kVA dedicated transformer of the Respondent within seven (07) days of this decision and a compliance report be submitted to this forum positively.

On leave
Abid Hussain
Member/Advisor (CAD)

Dated: 11-07-2024


Naweed Illahi Sheikh
Convener/DG (CAD)


Muhammad Irfan-ul-Haq
Member/ALA (Lic.)

