



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

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No. NEPRA/Appeal/003/2023/ 568

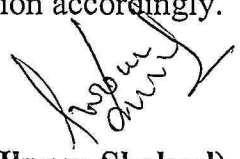
July 03, 2024

1. Mubarik Ali,
S/o. Haji Nabi Bux,
R/o. Iqbal Pura Chowk,
Okara
2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore
3. Mian Muhammad Mudassar Bodla,
Advocate Supreme Court,
Syed Law Chambers,
4-Mozang Road, Lahore
4. Assistant Manager (Operation),
LESCO Ltd,
Peoples Colony Sub Division,
Okara
5. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore

Subject: Appeal No.003/2023 (LESCO Vs. Mubarik Ali) Against the Decision Dated 25.11.2022 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 03.07.2024 (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 Appellate Board

In the matter of

Appeal No. 003/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Mubarak Ali S/o. Haji Nabi Bux,
R/o. Iqbal Pura Chowk, Okara

.....Respondent

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

For the Appellant:

Mian Muhammad Mudassar Bodla Advocate

For the Respondent:

Nemo

DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as "Appellant") against the decision dated 25.11.2022 of the Provincial Office of Inspection, Lahore Region, Lahore (hereinafter referred to as "POI") is being disposed of.
2. Briefly speaking, Mr. Mubarak Ali (hereinafter referred to as the "Respondent") is a domestic consumer of the Appellant bearing Ref No.01-11434-0084606-U with a sanctioned load of 01 kW under the A-1(b) tariff category. The billing meter of the Respondent was found tampered for theft of electricity during checking dated 13.06.2022 of the Appellant, therefore FIR No.378/2022 was registered against the Respondent, and a detection bill of Rs.142,141/- for 4,234 units for three months i.e. March 2022 to May 2022 was charged to the Respondent in June 2022.
3. Being aggrieved, Ch. Waris Ali real brother of the Respondent initially challenged the above detection bill before the Civil Judge Okara with the plea that the Respondent had died and the

Appeal No.003/POI-2023

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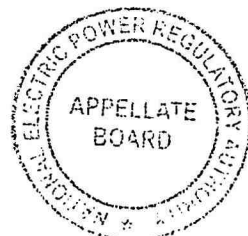




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connection under dispute was in his use. During the pendency of the civil suit before the said court, the Respondent filed a complaint before the POI on 04.07.2022 and challenged the above detection bill. The POI disposed of the matter vide its decision dated 25.11.2022, wherein the above detection bill was cancelled and the Appellant was directed to charge the revised bills w.e.f April 2022 and onwards as per consumption of the corresponding month of the previous year or average consumption of last eleven months, whichever is higher.

4. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the afore-referred decision of the POI (hereinafter referred to as the “impugned decision”). In its Appeal, the Appellant opposed the impugned decision *inter alia*, on the grounds that Ch. Waris Ali initially raised the dispute before the Civil Court with the plea that the Respondent had died and during the pendency of the case, the Respondent filed a complaint before the POI; that the said forum had no jurisdiction to adjudicate the matter in dispute as the Respondent has no locus standi to file the complaint before the POI; that the complaint of the Respondent is liable to be dismissed on this sole ground, reliance in this regard is placed on the judgment of superior court reported in 2002 SCMR-1310; that the POI failed to consider the consumption data and other relevant documents of the Appellant; that the impugned decision is beyond the prayer of the Respondent; 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 comments, which however were not filed. Subsequently, notices dated 23.05.2024 were issued to parties and the appeal was heard at NEPRA Regional Office Lahore on 07.06.2024, wherein learned Counsel appeared for the Appellant, whereas no one tendered appearance for the Respondent. Learned Counsel for the Appellant raised the preliminary objection regarding authorization and argued that the civil suit was filed by Ch. Waris Ali before the Civil Court with the plea that Mubarak Ali the registered consumer of the Appellant died and the connection under dispute is in his possession. Learned Counsel for the Appellant averred that Mubarak Ali the Respondent subsequently challenged the impugned detection bill before the POI, hence the observation was also raised before the POI, who did not consider the plea of the Appellant and accepted the complaint of the Respondent. He prayed for setting aside the impugned decision being rendered by the POI without jurisdiction.



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National Electric Power Regulatory Authority

6. Arguments were heard, and the record was examined. Following are our observations;


6.1 The Appellant raised the preliminary objection regarding the authorization of the Respondent with the contention that Ch. Waris Ali initially raised the billing dispute before the Senior Civil Judge Okara with the plea that Mr. Mubarak Ali the Respondent died and during the pendency of the said civil suit, Mr. Mubarak Ali registered consumer of the Appellant filed a complaint before the POI but the said forum did not consider this aspect of the case. Accordingly, three hearings were conducted but the Respondent failed to attend the hearings and also did not file any written reply.


6.2 In view of the foregoing discussion, we are convinced with the contention of the Appellant that the complaint filed before the POI by the Respondent is without any authorization and therefore not maintainable in the eyes of the law. In this regard, reliance is placed on the various judgments of superior courts reported as *2022 SCMR 1501*, *2014 CLD 415*, *2017 CLC 1387*, *2016 CLD 2066*, *2008 CLD 85* and *PLD 2005 Karachi 478*.

7. Forgoing in view, this appeal is accepted and consequently, the impugned decision is set aside.

On leave
Abid Hussain
Member/Advisor (CAD)

Dated: 03-07-2024


Naweed Illahi Sheikh
Convener/DG (CAD)


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

