



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

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No. NEPRA/Appeal/086/2022/ 567

July 03, 2024

1. Riasat Ali Alias Manzoor Hussain,
S/o. Muhammad Hussain,
R/o. Wandala Nasir, P.O. Kot Pindi Das,
Tehsil Muridke, District Sheikhpura
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
Cell No. 0333-4362312
4. Assistant Manager (Operation),
LESCO Ltd,
Ravi Rayon Sub Division,
Muridke, District Sheikhpura
5. POI/Electric Inspector,
Gujranwala Region,
Energy Department, Govt. of Punjab,
Munir Chowk, Near Kacheri Road,
Gujranwala

Subject: Appeal No.086/2022 (LESCO Vs. Riasat Ali Alias Manzoor Hussain)
Against the Decision Dated 30.11.2021 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 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. 086/POI-2022

Lahore Electric Supply Company Limited

.....Appellant

Versus

Riasat Ali Alias Manzoor Hussain, S/o. Muhammad Hussain,
R/o. Wandala Nasir, P.O. Kot Pindi Das,
Tehsil Murdike, District Sheikhupura

.....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:

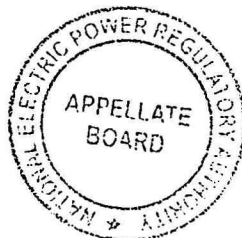
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DECISION

1. Through this decision, an appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as "Appellant") against the decision dated 30.11.2021 of the Provincial Office of Inspection, Gujranwala Region, Gujranwala (hereinafter referred to as "POI") is being disposed of.
2. Briefly speaking, Mr. Qaiser Manzoor is an agricultural consumer of the Appellant bearing Ref No.45-11643-0341416 with a sanctioned load of 4 kW under the D-2(b) tariff category, whereas Mr. Riasat Ali (hereinafter referred to as the "Respondent") is the father of the consumer. The consumer initially challenged the arrears of Rs. 319,993/- accumulated till February 2019 before the Civil Judge, Ferozwala. During the pendency of the civil suit before the said court, the Respondent filed a complaint dated 03.10.2019 before the POI and challenged the arrears of Rs. 317,993/- pertaining to the bills for the period from August 2018 to February 2019. The POI disposed of the matter vide its decision dated 30.11.2021, wherein the arrears of Rs. 317,993/- pertaining to the bills for the period from August 2018 to February

Appeal No.086/POI-2022

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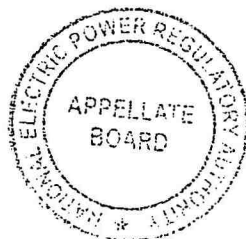
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2019 were declared null and void

3. 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 the consumer initially raised the dispute before the Civil Court and during the pendency of the case, the Respondent filed a complaint before the POI; that the said forum has 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.
4. Notice dated 06.07.2022 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 and no one tendered appearance for the Respondent. Learned Counsel for the Appellant raised the preliminary objection regarding authorization and argued that the complaint was filed by an unauthorized person i.e. Mr. Riasat Ali, whereas Mr. Qaiser Manzoor is a registered consumer of the Appellant. Learned Counsel for the Appellant averred that the said observation was also raised before the POI, who did not consider the plea of the Appellant and accepted the complaint of the Respondent filed without authorization. He prayed for setting aside the impugned decision being rendered by the POI without jurisdiction.
5. Arguments were heard, and the record was examined. Following are our observations;
 - 5.1 The Appellant raised the preliminary objection regarding authorization of the Respondent with the contention that Mr. Qaiser Manzoor, who is the registered consumer of the Appellant initially raised the billing dispute before the Additional District & Session Judge Ferozwala and during the pendency of the said civil suit, Mr. Riasat Ali the Respondent filed a complaint before the POI without due authorization. Accordingly, three hearings were conducted but



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the Respondent failed to attend the hearings and also did not file any written reply.


5.2 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*.

6. 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.)

