



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

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No. NEPRA/Appeal/115/2021/ 112

January 11, 2024

- | | |
|--|---|
| 1. Abdul Jabbar,
S/o. Haji Muhammad Aslam Bhatti,
R/o. Chhota Gohawa,
P. O. Bhatta Kohaar,
Cantt District Lahore | 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. Muhammad Azam Khokhar,
Advocate High Court,
10-Fatima Jinnah Chambers,
Session Courts, Gujranwala |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Narang South Sub Division,
Narang Mandi, Muridke,
District Sheikhpura | 6. POI/Electric Inspector,
Gujranwala Region, Energy Department,
Govt. of Punjab, Munir Chowk,
Near Kacheri Road, Gujranwala |

Subject: **Appeal No.115/2021 (LESCO Vs. Abdul Jabbar) Against the Decision Dated 30.11.2020 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 11.01.2024 (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.115/POI-2021

Lahore Electric Supply Company Limited

.....Appellant

Versus

Abdul Jabbar S/o. Haji Muhammad Aslam Bhatti,
R/o. Chota Gohawa, P.O. Bhatta Kohaar, Cantt
District Lahore

.....Respondent

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

For the Appellant:

Nemo

For the Respondent:

Mr. Muhammad Azam Khokhar Advocate
Mr. Abdul Jabbar

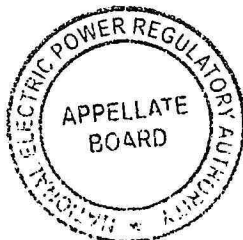
DECISION

1. Through this decision, the appeal filed by Lahore Electric Supply Company Limited (hereinafter referred to as the "Appellant") against the decision dated 30.11.2020 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 Jabbar (hereinafter referred to as the "Respondent") is an agricultural consumer of the Appellant bearing Ref No.45-11645-0378200 with sanctioned load of 45 kW and the applicable tariff category is D-2(b). The Respondent approached the POI on 14.03.2019 and challenged the arrears of Rs.228,513/- debited by the Appellant. The complaint of the Respondent was disposed of by the POI vide decision dated

Appeal No.115/POI-2021

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30.11.2020, the operative portion of which is reproduced below:

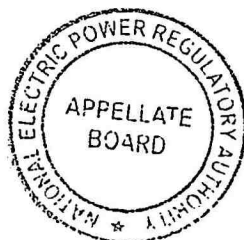
"In the light of above facts, it is held that 19710 units charged by the respondents against impugned meter (Sr.No.271896) from 12/2014 to 06/2016 and 18255 units charged by the respondents against the impugned meter (Sr.No.6746) beyond actual retrieved reading as 42910 (61165-42910-18255) are excessive, void, unjustified and of no legal effect therefore, the petitioner is not liable to pay the same. The respondents are directed to withdraw 37965 excess units (19710+18255) and overhaul the account of the petitioner and the excess amount recovered be refunded to the petitioner accordingly."

3. The Appellant has filed the instant appeal against the afore-said decision dated 30.11.2020 of the POI (hereinafter referred to as the "impugned decision") before the NEPRA along with the application for the condonation of delay. In its application for condonation of delay, the Appellant submitted that the certified copy of the impugned decision was applied on 07.12.2020 and the same was presented on 27.05.2021 but no intimation was sent to the Appellant in respect of the certified copy. However, the same was received on 24.06.2021 and the instant appeal was filed before NEPRA within time. The Appellant prayed that this application may be accepted and the delay in filing the appeal may kindly be condoned in the larger interest of justice.

4. **Proceedings by the Appellate Board**

Upon the filing of the instant appeal, notice dated 05.11.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were submitted on 18.03.2022. In the reply, the Respondent rebutted the version of the Appellant regarding limitation and submitted that the Appellant had concealed the facts regarding the delivery of the certified copy of the impugned decision. As per Respondent, a certified copy of the impugned decision was sent to the Appellant on 27.05.2021 as depicted on page 7 of the said

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decision, hence contention of the Appellant for receipt of the impugned decision on 24.06.2021 has no force and the application for the condonation of the delay be rejected and consequently the appeal be dismissed being barred by time.

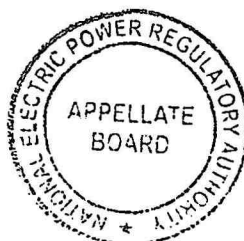
5. Hearing

5.1 Hearing was initially held at NEPRA Regional Office Lahore on 08.09.2023, which however was adjourned on the request of counsel for the Appellant. Finally, the hearing was held at NEPRA Regional Office Lahore on 15.12.2023, wherein no one tendered appearance on behalf of the Appellant, whereas the counsel for the Respondent supported the impugned decision and prayed for the dismissal of the appeal being barred by time.

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 30.11.2020 was obtained by the Appellant on 27.05.2021 and the appeal was filed before the NEPRA on 23.07.2021 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of fifty-six (56) 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 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 fifty-







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six (56) 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 in the application for the condonation of the delay nor could appear before the Appellate Board to argue with regard to limitation.

7. Foregoing in view, the appeal filed before NEPRA is time-barred and; hence dismissed.

On leave
Abid Hussain
Member/Advisor (CAD)


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


Naweed Illahi Sheikh
Convener/DG (CAD)

Dated: 11-01-2024

