



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

NEPRA Office , Ataturk Avenue (East), G5/1, Islamabad
Tel. No.+92 051 2013200 Fax No. +92 051 2600030
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/Appeal/002/2023/ 182

February 25, 2025

- | | |
|---|--|
| 1. Muhammad Naeem Mirza,
S/o. Nazir Ahmed,
R/o. Main Bazar, Zaafran Park,
Muridke, District Sheikhupura
Cell No. 0302-4600769 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Muhammad Arif Malhi,
Advocate High Court,
01-District Courts, Sheikhupura
Cell No. 0321-4915219 | 4. Syed Shuja Ul Hassan Naqvi,
Advocate High Court,
Office No. 06, Ali Plaza,
13-Fane Road, Lahore
Cell No. 0322-8420557,
0302-4600769 |
| 5. Assistant Manager (Operation),
LESCO Ltd,
Sheikhupura Road Sub Division,
Sheikhupura | 6. POI/Electric Inspector
Lahore Region, Energy Department,
Govt. of Punjab, Block No. 1,
Irrigation Complex, Canal Bank,
Dharampura, Lahore |

Subject: Appeal No.002/2023 (LESCO Vs. Muhammad Naeem Mirza) Against the Decision Dated 17.05.2022 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 25.02.2025 (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 of the Appellate Board on the NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.002/POI-2023

Lahore Electric Supply Company Limited

.....Appellant

Versus

Muhammad Naeem Mirza S/o. Nazir Ahmed,
R/o. Main Bazar, Zafran Park, Muridke, District Sheikhpura

.....Respondent

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

For the Appellant:

Mr. Muhammad Arif Malhi Advocate

For the Respondent:

Mr. Muhammad Naeem

DECISION

1. As per the facts of the case, Muhammad Nadeem (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.46-11124-0114400-U having sanctioned load of 7 kW and the applicable tariff category is B-1(b). The display of the impugned meter of the Respondent was found defective during the checking dated 01.11.2016 of the Appellant. The Respondent filed an application dated 27.02.2017 before the Appellant for the replacement of the impugned meter. In response, the Appellant replaced the impugned meter with a new meter in April 2017. Subsequently, the Appellant disconnected the electricity of the premises of the Respondent in June 2019 due to non-payment of electricity dues.
2. Being aggrieved, the Respondent filed an application before the Provincial Office of Inspection, Lahore, Region, Lahore (hereinafter referred to as the “POI”) and challenged the arrears of Rs.1,327,600/- accumulated till January 2020. The complaint of the Respondent was disposed of by the POI vide ex-parte decision dated 17.05.2022, wherein, the arrears of Rs.1,327,600/- were cancelled.
3. Being dissatisfied, the Appellant has filed the instant appeal before NEPRA and assailed the decision dated 17.05.2022 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 following grounds that the impugned decision is against the law and facts of the case; that

Appeal No.002/POI-2023

Page 1 of 3

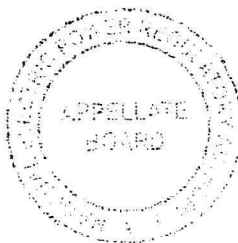




National Electric Power Regulatory Authority

the POI failed to provide sufficient opportunity of defense and rendered the impugned decision based on technicalities; that the POI has wrongly exercised the jurisdiction which was not vested upon him; that the impugned decision is based on ex-parte; that the Appellants were not served the impugned decision and same was conveyed by the Respondent on 18.11.2022 and that the impugned decision is liable to be set aside being illegal, unlawful and the application of the Respondent be dismissed in the interest of justice.

4. Notice dated 02.02.2023 of the appeal was issued to the Respondent for filing reply/para-wise comment, which was filed on 16.02.2023. In the reply, the Respondent rebutted the version of the Appellant regarding the proceedings before the lower forum and stated that the counsel for the Appellant joined the proceedings before the POI. The Respondent further submitted that the stance of the Appellant regarding the non-receiving of the decision is fake as they received the copies on 25.07.2022 & 04.10.2022. The Respondent finally defended the impugned decision and prayed for the dismissal of the appeal.
5. Hearing of the appeal was conducted at NEPRA Regional Office Lahore on 01.11.2024, wherein both parties were present. Learned counsel for the Appellant contended that the POI neither served notice to the Appellant nor intimated through registered post and proceeded ex-parte. Learned counsel for the Appellant further contended that the impugned decision for cancellation of the arrears of Rs.1,327,600/- is beyond the prayer of the Respondent and the same is liable to be set aside and the matter be remanded back to the said for redetermination afresh. On the other hand, the Respondent appearing in person repudiated the contention of the Appellant and averred that the Appellants were well aware of the proceedings before the POI and failed to defend the case of impugned arrears with material evidence. The Respondent further argued that the Appellant was approached vide application dated 25.07.2022 for implementation of the impugned decision. As per Respondent, the Appellant instead of taking action for implementation filed the time-barred appeal, which is liable to be dismissed.
6. Having heard the arguments and record perused. Following are our observations:
 - 6.1 While addressing the point of limitation raised by the Respondent, it is observed that the Respondent raised the dispute of Rs.1,327,600/- before the POI. The Appellant neither submitted reply to the complaint nor joined the proceedings before the POI despite several opportunities for hearings. The aforementioned arrears were cancelled by the said forum vide ex-parte decision dated 17.05.2022. The Respondent vide application dated 25.07.2022 approached the Appellant for implementation of the impugned decision. In response, the SDO of the Appellant vide letter No.4854 dated 04.10.2022 forwarded the matter to DM (O) of the





National Electric Power Regulatory Authority


Appellant for necessary action as per prevailing policy. This whole scenario indicates that the Appellants were well aware of the pronouncement of the impugned decision and malafidely delayed in filing the appeal before the NEPRA. The Appellant obtained a copy of the impugned decision dated 17.05.2022 on 21.11.2022 after a lapse of one hundred twenty (120) days from the application dated 25.07.2022 of the Respondent for implementation.


6.2 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. Reliance in this regard is placed on judgment dated 25.04.2016 of the honorable Lahore High Court Lahore rendered in the Writ Petition Nos.16172/15, 1637/15, 14895/15, 13470/15, 29335/15, 19916/15, 11039/15, 16677/15, 19763/15, 29623/15, 13908/15 18195/15, 19762/15, 19882/15, 812/15 & 5119/15, wherein it was held that the POI is bound to transmit copy of the decision to the parties and the period of limitation is to be counted from the date of receipt of the copy of such decision, the relevant excerpt of the said judgment is reproduced below for the sake of convenience:

"12. The above discussion leads me to the irresistible conclusion that the Provincial Office of Inspections/Electric Inspector is bound to transmit the copy of the order to the aggrieved person through the modes provided under Regulation 4 of Regulation 2012 and in this way, the period of limitation for filing an appeal in terms of subsection (3) of section 38 will be calculated from the date of receipt of order."

7. In view of the foregoing discussion, we opined that an inordinate delay in filing the appeal before the NEPRA despite acknowledgment 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. As such the appeal filed before NEPRA is time-barred and dismissed.

On leave
Abid Hussain
Member/Advisor (CAD)


Naveed Illahi Sheikh
Convener/DG (CAD)


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

Dated: 25-02-2025

Appeal No.002/POI-2023

