



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

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No. NEPRA/Appeal/049/2024/ /88

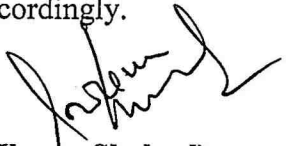
February 25, 2025

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|---|---|
| 1. Muhammad Nadeem Ahmed,
S/o. Rasheed Ahmed,
R/o. Basti Raheem-ul-Din,
Chaudhary Irshad Street, Khudian Khas,
Tehsil & District Kasur
Cell No. 0301-6838655 | 2. Chief Executive Officer,
LESCO Ltd,
22-A, Queens Road,
Lahore |
| 3. Chaudhary Ali Hassan Jajja,
Advocate High Court,
Farid Law Associates, First Floor,
Farah Centre, 2-Main Mozang Road,
Lahore
Cell No. 0300-9882666 | 4. Assistant Manager (Operation),
LESCO Ltd,
Khuddian North Sub Division,
District Kasur |
| 5. POI/Electric Inspector,
Lahore Region-II,
Energy Department, Govt. of Punjab,
342-B, Near Allah Hoo Chowk,
Johar Town, Lahore
Phone No. 042-99333968 | |

Subject: **Appeal No.049/2024 (Nadeem Ahmed Vs. LESCO) Against the Decision Dated 04.12.2023 of the Provincial Office of Inspection to Government of the Punjab Lahore Region-II, 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.049/POI-2024

Nadeem Ahmed S/o. Rasheed Ahmed,
Resident of Basti Raheem-ul-Deen, Chaudhary Irshad Street,
Khudian Khas, Tehsil & District Kasur

.....Appellant

Versus

Lahore Electric Supply Company Limited

.....Respondent

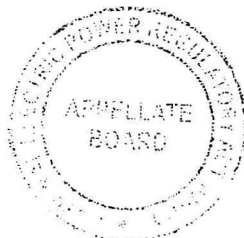
APPEAL U/S 38(3) OF REGULATION OF GENERATION, TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997

For the Appellant:
Mr. Muhammad Nadeem

For the Respondent:
Nemo

DECISION

1. Brief facts leading to the filing of instant appeal are that Muhammad Nadeem (hereinafter referred to as the "Appellant") is a domestic consumer of Lahore Electric Supply Company Limited (hereinafter referred to as the "Respondent") bearing Ref. No.05-11726-0352408 with a sanctioned load of 1 kW and the applicable Tariff category is A-1(a). During the checking dated 20.08.2019 of the Respondent, the Appellant was found stealing electricity through bypassing the meter, therefore, a detection bill of Rs.69,423/- for 2,942 units for the period from May 2019 to July 2019 was debited to the Appellant in August 2019.
2. Being aggrieved, the Appellant initially challenged the above detection bill before the Civil Court, Kasur. After litigation in different courts, the honorable Lahore High Court Lahore vide order dated 26.06.2023 disposed of the matter with the remarks that the Civil Court has no jurisdiction and for redressal of his grievance, the Appellant may approach the competent authority under the NEPRA Act. Meanwhile, the Appellant approached the Provincial Office of Inspection, Lahore Region-II, Lahore (hereinafter referred to as the "POI") on 21.07.2023 and assailed the above detection bill. The POI vide decision dated 04.12.2023 disposed of the complaint of the Appellant with the following conclusion:



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“4. Since the dispute raised by the petitioner is over a detection bill charged by the respondents which has been assessed under 26-A of the Electricity Act, 1910 on account of dishonest abstraction of electricity, therefore, this forum has no jurisdiction to adjudicate upon such particular matter of theft of energy by direct supply from WAPDA main/ energy meter completely bye-passed as held by the Honorable Supreme Court of Pakistan in a case reported as PLD-2012-SC-371. As such the petition is filed due to lack of jurisdiction of this forum on the subject matter. However, the petitioner is at liberty to avail remedy into the matter from appropriate/competent forum/court of the Law. 5. The petition is disposed of in the above terms.”

3. Subject appeal has been filed against the afore-referred decision dated 04.12.2023 of the POI (hereinafter referred to as the “impugned decision”) by the Appellant before the NEPRA along with an application for the condonation of delay, wherein the Appellant contended that the appeal filed before the NEPRA was returned vide letter No.NEPRA/R/Appeal/POI-2024/6812 dated 13.05.2024 to file an appeal against the decision of POI. The Appellant further contended that the appeal is within time after the exclusion of the period consumed before the NEPRA in view of Section 14 of the Limitation Act, 1908. As per the Appellant, if the delay is not condoned, the Appellant shall suffer irreparable loss in this regard, pursuant to the judgment reported in *PLD 2009 Lah.418*. The Appellant finally prayed for acceptance of the application for the condonation of the delay. Notice dated 27.06.2024 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days, which were not filed.
4. A hearing was conducted at NEPRA Regional Office Lahore on 01.11.2024, wherein, the Appellant appeared in person and no one entered an appearance for the Respondent. In response to the question of limitation raised by this forum, the Appellant contended that the delay in filing the appeal is neither intentional nor deliberate and the appeal was filed lately due to the return by the Registrar NEPRA. The Appellant prayed that the delay in filing the appeal be condoned in the best interest of justice and that the case be decided on merits instead of technical grounds.
5. Arguments were heard and the record was perused. Following are our observations:
 - 5.1 While addressing the point of limitation, it is observed that copy of the impugned decision dated 04.12.2023 was obtained by the Appellant on 19.12.2023 and subsequently preferred the instant appeal before NEPRA on 20.03.2024 after the prescribed time limit of 30 days. This shows that the Appellant filed the instant appeal before NEPRA after a lapse of





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Ninety-Five (95) days from the date of receipt of the impugned decision.

5.2 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 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."

6. In view of the foregoing discussion, we opined that the delay of Ninety Five (95) 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 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)

Naweed Illahi Sheikh
Convener/DG (CAD)

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

Dated: 25-02-2025
Appeal No.049/POI-2024

