



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

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No. NEPRA/Appeal/056/POI/2021/ *1029*


September 22, 2022

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| 1. Ali Raza,
S/o. Muhammad Iqbal,
R/o. Basti Noshehra,
Tehsil & District Layyah
(Through Rab Nawaz Khan,
Advocate High Court) | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex, Khanewal Road,
Multan |
| 3. Sub Divisional Officer (Operation),
MEPCO Ltd,
1 st Sub Division, Layyah | 4. POI/Electric Inspector,
Multan Region,
249-G, Shah Ruken-e-Alam Colony,
Phase II, Multan |

Subject: **Appeal Titled MEPCO Vs. Ali Raza Against the Decision Dated 21.12.2020**
Provincial Office of Inspection to Government of the Punjab Multan
Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 20.09.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: **As Above**


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

1. Additional Director (IT) –for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No.056/POI-2021

Multan Electric Power Company LimitedAppellant

Versus

Ali Raza S/o Muhammad Iqbal, R/o Basti Noshera,
District Layyah (Through Rabnawaz Khan Advocate)Respondent

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

For the Appellant:

Syed Tanveer Abbas Kazim Advocate
Mr. M. Saleem Iqbal SDO

For the Respondent:

Mr. Rabnawaz Khan Advocate

DECISION

1. As per facts of the case, Mr. Ali Raza (hereinafter referred to as the "Respondent") is a domestic consumer of the Multan Electric Power Company Limited (hereinafter referred to as the "Appellant") bearing Ref No.07-15731-0547400 with a sanctioned load of 2 kW and the applicable Tariff category is A-1(a). The premises of the Respondent was checked by the Appellant on 23.10.2018 and it was alleged that the Respondent was found involved in theft of electricity through tampering with the bogus meter bearing No.1381154. Therefore, FIR No.056/2021 dated 23.10.2018 was registered against the Respondent due to the theft of



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electricity, and the disputed meter was handed over to the police. The Appellant issued a handmade detection bill of Rs.150,000/- for 6,362 units for six (06) months for the period from May 2018 to October 2018 to the Respondent in October 2018, which was paid by the Respondent on 23.10.2018.

2. Being aggrieved, the Respondent initially approached Wafaqi Mohtasib Regional Office, Multan against the charging of the above detection bill. The complaint of the Respondent was forwarded by the honorable Wafaqi Mohtasib to NEPRA for the decision. ADG (CAD) NEPRA vide letter dated 04.12.2018 referred the matter to the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") for investigation and decision. During the joint checking of the POI dated 11.02.2020 in the police station, the meter bearing No.1382153 was found within permissible limits and its body was found intact. The complaint of the Respondent was disposed of by the POI vide the decision dated 21.12.2020, wherein the detection bill of Rs.150,000/- for 6,362 units for six (06) months for the period from May 2018 to October 2018 charged to the Respondent was cancelled and the Appellant was directed to charge the revised bill for the cost of 814 units being the difference of consumption already charged during the months i.e. June 2018 and July 2018 and the consumption of the corresponding months of the year 2017. The Appellant was further directed to overhaul the billing account of the Respondent and for adjustment of payments made against the above detection bill.



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3. Subject appeal has been filed against the afore-referred decision dated 21.12.2020 of the POI by the Appellant before the NEPRA, wherein it is contended that the detection bill of Rs.150,000/- for 6,362 units for six (06) months for the period from May 2018 to October 2018 was charged to the Respondent due to theft of electricity. The Appellant further contended that the POI passed the impugned decision without going into the merits of the case and without perusing the relevant record. As per the Appellant, the POI failed to observe the case in letter and spirit and mainly dilated upon the absence of the concerned officials and the non-presentation of the impugned meter. According to the Appellant, the matter related to the theft of electricity through tampering with the meter, hence the POI could not proceed under the law provisions as envisaged in PLD 2012 SC 371. On point of limitation, the Appellant submitted that copy of the impugned decision dated 21.12.2020 was obtained on 27.01.2021 and the appeal was filed within thirty (30) days from the date of knowledge. The Appellant finally prayed that the impugned decision is liable to be set aside.

4. Proceedings by the Appellate Board

4.1 Upon filing of the instant appeal, a Notice dated 19.05.2021 was sent to the Respondent for filing reply/para-wise comments to the appeal within ten (10) days. However, the Respondent did not submit a reply to the Appeal.

5. Hearing

5.1 Hearing in the subject matter was initially fixed for 09.12.2021 at NEPRA Regional



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Office Multan and accordingly, the notices dated 02.12.2021 were sent to the parties (i.e. the Appellant and the Respondents) to attend the hearing. On the given date of hearing, the representative of the Appellant sought adjournment with the plea that the engagement of the counsel in the instant case is in process, which was allowed till the next date.

5.2 The hearing of the appeal was rescheduled for 21.03.2022 at NEPRA Regional Office, Multan for which notices dated 14.03.2022 were served to both the Appellant and the Respondent. On the given date of the hearing, the representative for the Appellant informed that the engagement of the counsel in the present is in process, hence the adjournment be given. The request for adjournment was accepted till the next date.

5.3 Lastly, notices dated 15.08.2022 were served to both parties and the appeal was heard at NEPRA Regional Office Multan on 23.08.2022, which was attended by the counsels for both the Appellant and Respondent. In response to the question for limitation, learned counsel for the Appellant submitted that a certified copy of the impugned decision dated 21.12.2020 was dispatched by the POI on 27.01.2021, which was subsequently received on 16.02.2021, hence the appeal filed before the NEPRA on 02.03.2021 within the prescribed limit as envisaged in Section 38 of the NEPRA Act 1997. Learned counsel for the Appellant repeated the same contentions as given in memo of the Appeal and argued that the Respondent was stealing electricity through the bogus meter bearing No.1381154 instead of the



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actual billing meter bearing No.1382153 during the checking dated 23.10.2018, as such FIR was lodged against him and the detection bill of Rs.150,000/- for 6,362 units for six (06) months for the period from May 2018 to October 2018 was debited in order to recover the revenue loss sustained due to theft of electricity committed by the Respondent. Learned counsel for the Appellant defended the charging of the above detection bill and prayed for setting aside the impugned decision.

5.4 Learned counsel for the Respondent appearing in person refuted the allegation of theft of electricity levelled by the Appellant, supported the impugned decision, and prayed for dismissal of the appeal on grounds of limitation.

6. Arguments heard and the record perused. Following are our observations:

6.1 Before going into the merits of the case, the point of limitation needs to be addressed. It is observed that the impugned decision was announced by the POI on 21.12.2020, copy of the same was obtained by the Appellant on 27.01.2021 and the present appeal was preferred before the NEPRA on 04.03.2021 against the impugned decision dated 21.12.2020. On the other hand, the Appellant claimed that the impugned decision was received on 16.02.2021 and the appeal was filed before the NEPRA on 02.03.2021 within 30 days.

6.2 The contents at page 8 of the Appeal negates the stance of the Appellant with regard to the receipt of the impugned decision on 16.02.2021. In limitation part of the Appeal, the Appellant stated that the certified copy of the impugned decision was received on 27.01.2021 against which the appeal was filed before the NEPRA.



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6.3 Regulation 4(2)(b) of the NEPRA (Procedure for Filing Appeal) Regulations, 2012 has given a privilege of further three (03) days to the Appellant excluding the prescribed time limit of thirty (30) days, if the appeal was dispatched through courier. The relevant excerpt from the Regulation is reproduced below for the sake of convenience:

"Limitation for filing the appeal.—(1) Every appeal shall be filed within a period of thirty days from the date on which a copy of the order against which the appeal is preferred is received by the appellant: Provided that the Authority may, upon an application filed on this behalf, entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within the period. (2) Subject to anything contrary on the record the copy of the order against which an appeal is filed shall be presumed to have been received by the appellant if: (a) sent by courier, three days following the day it is dispatched by the Receipt and Issue department of the Authority; (b) sent by registered post, seven days following the date it is mailed by the Receipt and Issue department of the Authority; and (c) sent by hand delivery; on the production of the receipt showing the date it is served on the appellant."

6.4 However, the appeal was filed by the Appellant after the lapse of thirty-six (36) days from the date of receipt of the impugned decision., which is beyond the time limit allowed in the afore-referred Regulation of the NEPRA (Procedure for Filing the Appeals), Regulations, 2012 is time-barred.

6.5 No sufficient reasons have been given by the Appellant to justify the condonation of delay. The above whole scenario indicates that the Appellant



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failed to file the instant appeal before the NEPRA within thirty (30) days of receipt of the impugned decision as envisaged under Section 38 (3) of NEPRA Act 1997.

7. Forgoing into consideration, the appeal is dismissed.

Syed Zavar Haider
Member

Muhammad Irfan-ul-Haq
Member

Abid Hussain
Convener

Dated: 20/05/2022