



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

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No. NEPRA/Appeal/163/2021/ 10/6

December 03, 2024

- | | |
|--|---|
| 1. Azam Hussain,
S/o. Muhammad Ibrahim,
Through Shahid Hussain,
Real Son & Occupier Consumer,
Prop: Power Looms, House No. 66/4,
Main Gali, Near Masjid Sayyeda Fatima-Tu-Zehra,
Mohallah Ansaar Colony, Multan
Cell No. 0321-6305099 | 2. Chief Executive Officer,
MEPCO Ltd,
MEPCO Complex Khanewal Road,
Multan |
| 3. Executive Engineer (Operation),
MEPCO Ltd,
Shah Rukan-e-Alam Division,
Multan | 4. Sub Divisional Officer (Op),
MEPCO Ltd,
Gulberg Sub Division,
Multan |
| 5. POI/Electric Inspector,
Multan Region,
Energy Department, Govt. of Punjab,
249-G, Shah Rukan-e-Alam Colony,
Phase-II, Multan | |

Subject: **Decision of the Appellate Board Regarding Review Petition Filed by Azam Hussain Against the Decision Dated 14.03.2024 of the Appellate Board in the Matter Titled "Azam Hussain Vs. MEPCO"**

Please find enclosed herewith the decision of the Appellate Board dated 03.12.2024 (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 of the Appellate Board on the NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

**REVIEW PETITION FILED BY AZAM HUSSAIN UNDER THE NEPRA REVIEW
(PROCEDURE) REGULATIONS, 2009 AGAINST THE DECISION DATED 14.03.2024
OF NEPRA IN THE APPEAL NO.163/POI-2021**

Azam Hussain S/o. Muhammad Ibrahim Through Shahid Hussain,
Real Son and Occupier Consumer, Prop: Power Looms, House No.66/4,
Main Gali Near Masjid Sayyeda Fatima-ut-Zehra,
Mohallah Ansaar Colony, Multan

.....Petitioner

Versus

Multan Electric Power Company Limited

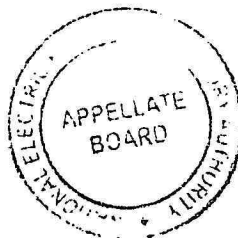
.....Respondent

For the Petitioner:
Mr. Shahid Hussain

For the Respondent:
Nemo

DECISION

1. Through this decision, the review petition filed by Shahid Hussain against the decision dated 14.03.2024 of the National Electric Power Regulatory Authority (hereinafter referred to as the "NEPRA") in Appeal No.163/POI-2021 titled "Azam Hussain Vs. MEPCO" is being disposed of.
2. Briefly speaking, Mr. Azam Hussain (hereinafter referred to as the "Petitioner") is an industrial consumer of Multan Electric Power Company Limited (hereinafter referred to as the "Respondent") bearing Ref No.28-15194-1144101-U having a sanctioned load of 09 kW and the applicable tariff category is B-1(b). Reportedly, the billing meter of the Petitioner became defective in April 2020, hence nil consumption was charged from April 2020 to June 2020. Thereafter, the Respondent fed DEF-EST code w.e.f July 2020 and onwards till the replacement of the impugned meter on 23.08.2020. Subsequently, the impugned meter was checked by the M&T team of the Respondent on 15.02.2021 and reportedly, it was found dead stop, therefore a detection bill amounting to Rs.136,405/- for 6,067 units for five months for



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the period from May 2020 to September 2020 was charged to the Petitioner on the basis of consumption of May 2019 to September 2019 and added to the bill for April 2021.

3. Being aggrieved, the Petitioner filed an application before the Provincial Office of Inspection, Multan Region, Multan (hereinafter referred to as the "POI") vide complaint dated 26.04.2021 and challenged the above detection bill and the bills for July 2020 and August 2020. The complaint of the Petitioner was disposed of by the POI vide decision dated 21.09.2021, wherein, the detection bill of Rs.136,405/- for 6,067 units for five months for the period from May 2020 to September 2020 is declared void, unjustified, and of no legal effect. The Petitioner was directed to charge the revised detection bill for net 294 units for the period from April 2020 to August 2020 to the Petitioner against which the Respondent filed Appeal No.163/POI-2021 before the NEPRA u/s38 of the NEPRA Act. NEPRA Appellate Board vide decision dated 14.03.2024 disposed of the appeal with the following conclusion:

"5. In view of what has been stated above, we concluded that:

5.1 The detection bill of Rs.136,405/- for 6,067 units for five months for the period from May 2020 to September 2020 debited to the Petitioner is unjustified being contrary to the Clause 4.4(e) of the CSM-2010 and facts of the case and the same is cancelled.

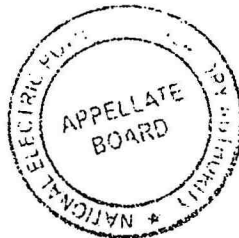
5.2 The Petitioner may be charged the revised bills for April 2020, May 2020, and June 2020 as per consumption of corresponding months of the previous year or average consumption of the last eleven months, whichever is higher as per Clause 4.4(e) of the CSM-2010.

5.3 The bills already charged with DEF-EST code from July 2020 and August 2020 are consistent with the foregoing clause of the CSM-2010 and the same are payable by the Petitioner.

5.4 The billing account of the Petitioner may be overhauled, accordingly.

6 The impugned decision is modified in the above terms."

4. The Petitioner filed a review petition before the NEPRA on 02.05.2024 against the impugned decision dated 14.03.2024. Hearing in the matter of the subject review petition was scheduled for 14.09.2024 at NEPRA Regional Office Lahore for which notices dated 09.09.2024 were issued to both parties (the Petitioner and Respondent). On the date of the hearing, the Petitioner appeared in person, whereas no one represented the Respondent. This forum pointed out the point of limitation that the appeal was decided on 14.03.2024 against which the Petitioner filed the review petition on 02.05.2024, which is time-barred being after filed after the lapse of 30 days as envisaged in NEPRA (Review Procedure) Regulations, 2009. In response, the Petitioner prayed that the review petition be decided on merits instead of technical grounds. On merits, the Petitioner reiterated the same contentions as given in the memo of the review



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petition and stated that the impugned decision was rendered without considering the facts, and the same is liable to be reviewed at this stage.

5. Arguments were heard and the record was examined. Following are our observations:

5.1 While addressing the point of the limitation, it is observed that the impugned decision was announced by the NEPRA on 14.03.2024 against which the Petitioner filed the instant review petition before the NEPRA on 02.05.2024 after a lapse of 48 days from the date of communication of said order i.e. 14.03.2024. As per Regulation 3(3) of the NEPRA (Review Procedure) Regulations, 2009, the period of limitation for filing a review petition against any other order, decision, or determination of NEPRA not covered under Rule 16(6) of NEPRA Tariff (Standards & Procedure) Rules, 1998 shall be 30 days from the date of communication of such order, decision or determination. The Petitioner neither submitted an application for condonation of delay nor could justify the inordinate delay in filing the instant review petition.

5.2 In terms of Regulation 3 (2) of NEPRA (Review Procedure) Regulations, 2009, a motion seeking review of any order of the Authority is competent only upon discovery of a mistake or error apparent on the face of the record or a new and important matter of evidence. In the instant review motion, no mistake or error apparent on the face of the record has been highlighted by the Petitioner. Further, the Petitioner has not come up with any new and important matter of evidence which was not considered by the Appellate Board while making its decision dated 14.03.2024. Therefore, there is neither any occasion to amend the impugned decision nor any error inviting indulgence as admissible in law.

6. In view of the above, the instant review motion of the Petitioner is dismissed being time-barred as well as devoid of merits, and the decision dated 14.03.2024 of the Appellate Board is upheld.

Abid Hussain
Member/Advisor (CAD)

Dated: 03-12-2024

Naweed Illahi Sheikh
Convener/DG (CAD)

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

