IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-740 of 2026

Before;
Mr. Justice Riazat Ali Sahar;
Mr. Justice Ali Haider 'Ada'.

Petitioner	:	Ghulam Shabir son of Ahmed Ali Sohoo, *through* Mr. Abdul Samee, Advocate.
Respondents	:	Federation of Pakistan and others.
Date of Hearing	:	*09.09.2026.*
Date of Order	:	*09.09.2026.*

O R D E R

Ali Haider 'Ada', J.- The petitioner, feeling aggrieved, has filed the instant petition seeking a declaration that the electricity bill for the month of August 2026, amounting to Rs.4,04,114/-, raised against the subject meter/reference number, is illegal and liable to be set aside, on the ground that the petitioner is no longer a consumer of the respondents, as the said electricity meter had already been permanently disconnected.

2. Learned counsel for the petitioner mainly contended that, upon the petitioner's request dated 09.12.2025, the electricity meter was permanently disconnected by the authorities of SEPCO (the distribution company). It is further submitted that, on 12.02.2026, a letter was issued seeking the necessary approval for permanent disconnection of the said meter. Learned counsel further submitted that, despite such permanent disconnection, an electricity bill for the month of August 2026, amounting to Rs.4,04,114/-, was subsequently issued against the petitioner under the same meter/reference number. It is argued that the petitioner approached the concerned authorities, including the Superintendent Engineer, Executive Engineer and Sub-

Divisional Officer of SEPCO, through applications sent by courier service, requesting rectification of the matter; however, no response was received. Learned counsel, therefore, prayed that the impugned electricity bill be declared null and void.

3. Heard learned counsel for the petitioner and perused the material available on record.

4. At the very outset, it is necessary to examine whether the petitioner's electricity meter was, in fact, permanently disconnected and, if so, what procedure is required to be followed for permanent disconnection of a consumer's meter at his request. In this regard, the **Consumer Services Manual issued by the National Electric Power Regulatory Authority (NEPRA),** Islamabad, is required to be examined. **Chapter 8** thereof deals with *"Disconnection and Reconnection",* whereas **Clause 8.4** specifically provides for permanent disconnection of a consumer's connection at his request. The relevant provision reads as under:

> ***8.4 PERMANENT DISCONNECTION ON CONSUMER'S REQUEST***
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> *A consumer who intends to get the premises disconnected permanently shall apply to the concerned load sanctioning officer, who will arrange the final electricity bill from the Revenue Officer/AM (CS). After payment offinal electricity bill, the load sanctioning officer will issue permanent disconnection order. Disconnection for consumers supply shall be effected through ERO to avoid misuse of electricity after permanent disconnection. The permanently disconnected consumer will not be responsible for misuse of electric supply from the facility if not removed by DISCO after permanent disconnection.*

5. At this stage, the first and foremost question requiring consideration is whether the petitioner's electricity connection was, in fact, permanently disconnected in accordance with the procedure prescribed under the applicable rules and regulations. The mere fact that the petitioner had submitted a request for permanent disconnection, followed by

correspondence between the concerned authorities, would not, by itself, establish that the connection stood permanently disconnected. For this purpose, the order or other competent document evidencing the actual permanent disconnection of the electricity connection was a material and necessary document. However, no such order or document has been annexed with the instant Petition. The correspondence relied upon by the petitioner merely reflects that a request/application was made and that certain correspondence took place between the concerned authorities; it does not conclusively establish what final decision was taken thereon or whether the procedure contemplated under Clause 8.4 of the Consumer Services Manual was duly completed. Thus, a material factual aspect as to the actual status of the petitioner's electricity connection remains unresolved and cannot be determined merely on the basis of the correspondence placed on record.

6. Furthermore, **Chapter 5** of the Consumer Services Manual deals with matters relating to security deposits, and **Clause 5.2.6** specifically provides that the security deposit paid by a consumer shall be refunded at the time of permanent disconnection. For ready reference, the relevant provision is reproduced hereunder:

> ***5.2.6*** *The security deposit paid by the consumer shall be refunded at the time of permanent disconnection if applied by the consumer for refund after getting approval from the load sanctioning officer provided that there is no outstanding dues against the consumer. The process of refund shall be carried out within thirty (30) days of receipt of such request.*

7. A perusal of the aforesaid provision further shows that refund of the security deposit is contemplated as a consequence of permanent disconnection. However, there is nothing on record to establish that, after submitting his request for permanent disconnection, the petitioner was actually refunded the security deposit by the concerned

officer or authority. This aspect assumes significance because the petitioner seeks a declaration that the connection had already been permanently disconnected, whereas the material relied upon by him does not sufficiently establish that all the consequential requirements prescribed under the Consumer Services Manual were duly complied with.

8. So far as the impugned electricity bill is concerned, the question whether the amount of Rs.4,04,114/- raised for the month of August 2026 is justified, lawful or otherwise requires factual determination on the basis of the billing record, meter status, previous consumption, disconnection record and other relevant material. In this regard, **Section 26(6) of the Electricity Act, 1910** provides a statutory mechanism for resolution of disputes arising between a licensee and a consumer, including disputes requiring determination by the Electric Inspector. For ready reference, the relevant provision is reproduced hereunder:

> *(6) Where any difference or dispute arises between a licensee and a consumer as to whether any meter, maximum demand indicator or other measuring apparatus is not correct the matter shall be decided, upon the application of either party, by an Electric Inspector, within a period of ninety days from the date of receipt of such application, after affording the parties and opportunity of being heard, and where the meter, maximum demand indicator or other measuring apparatus has, in the opinion of an Electric Inspector, ceased to be correct, the Electric Inspector shall estimate the amount of energy supplied to the consumer or the electrical quantity contained in the supply, during such time as the meter, indicator or apparatus has not, in the opinion of the Electric Inspector, been correct; and where the Electric Inspector, fails to decide the matter of difference or dispute within the said period or where either the licensee of the consumer decline to accept the decision of the Electric Inspector, the matter shall be referred to the Provincial Government whose decision shall be final:*
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> *Provided that, before either a licensee or a consumer applies to the Electric Inspector under this subsection, he shall give to the other party not less than seven days' notice of this intention to do so.*

9. The legal position in this regard is also supported by the judgment in **M/s Erum Heights Residents Welfare Association v. Karachi Electric Supply Corporation Ltd. through Managing Director and 3 others (2001 CLC 321 Karachi (D.B.),** wherein it was observed that a controversy relating to the legality or otherwise of an electricity bill ought to be resolved through the statutory forum/Electric Inspector available under the Electricity Act, 1910, and that it was not appropriate for the High Court to enter into such factual controversy in constitutional jurisdiction. Similarly, in **Muhammad Saleem v. Chief Controller of Billing, K.E.S.C. (Karachi Electric Supply Company) (2010 YLR 2946),** it was held that even where a consumer alleges that a bogus or unjustified bill has been raised by the electricity supply company, the determination of such disputed factual matters is not ordinarily to be undertaken by the High Court in constitutional jurisdiction when an alternate statutory remedy is available under the law.

10. Furthermore, **Chapter 10** of the Consumer Services Manual specifically provides a mechanism for lodging and redressal of consumer complaints. **Clause 10.3,** in particular, deals with complaints relating to billing. Thus, apart from the statutory remedy available under Section 26(6) of the Electricity Act, 1910, the petitioner has also been provided a specific departmental mechanism under the Consumer Services Manual for raising a grievance concerning the disputed bill.

11. It is, however, the further contention of the petitioner that he had already approached the concerned SEPCO authorities, including the Superintendent Engineer, Executive Engineer and Sub-Divisional Officer, through applications sent by courier, but his grievance was not attended to. Tentatively, the record reflects the petitioner's assertion that such applications were submitted to the concerned

functionaries. If a representation or complaint is duly received by a public authority and relates to a matter falling within its lawful jurisdiction, the concerned authority is expected to consider and decide the same in accordance with law and within a reasonable time. Administrative authorities cannot simply disregard a grievance falling within their jurisdiction.

12. In this regard, **Section 24-A of the General Clauses Act** embodies the principle that an authority exercising statutory or administrative powers is required to act reasonably, fairly, justly and in accordance with the law. For ready reference, the relevant provision is reproduced hereunder:

> *[24A. Exercise of power under enactments.—(1) Where, by or under any enactment, a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment.*
> *(2) The authority, office or person making any order or issuing any direction under the powers conferred by or under any enactment shall, so far as necessary or appropriate, give reasons for making the order or, as the case may be for issuing the direction and shall provide a copy of the order or as the case may be, the direction to the person affected prejudicially.*

13. The said provision obligates the executive authorities to exercise statutory powers in a fair, reasonable, and transparent manner and to provide reasons for their decisions. Reliance may be placed upon the cases of **Muhammad Amin Muhammad Bashir Limited v. Government of Pakistan through Secretary, Ministry of Finance and others (2015 SCMR 630), Muhammad Ashraf Tiwana and others v. Pakistan and others (2013 SCMR 1159) and Habibullah Bhutto v. Collector Customs and another (2011 SCMR 1504)**.

14. Accordingly, while this Court is not inclined to adjudicate the disputed factual controversy in constitutional jurisdiction, the concerned SEPCO functionaries remain

under a legal obligation to deal with any duly submitted application or complaint of the petitioner in accordance with the applicable law, rules and prescribed procedure. The existence of an alternate remedy does not authorize the concerned authorities to leave a grievance unattended; rather, the appropriate course is for the aggrieved person to approach the competent statutory or departmental forum, which is then required to consider and decide the matter in accordance with law.

15. Accordingly, the instant Constitution Petition, being not maintainable in view of the availability of an efficacious alternate remedy and the disputed factual nature of the controversy, is hereby dismissed in *limine.*

JUDGE

JUDGE