

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2917 of 2014

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Abdul Maalik Gaddi.

M/s. Al-Rehman Builders,.....Petitioner

V E R S U S

M/s. K Electric & others.....Respondents

Date of hearing 16.02.2017

Mr. Shabbir Ahmed Shaikh advocate for the petitioner a/w Muhammad Rafique, Attorney, and Syed Amjad Hussain authorized representative of the petitioner.

Mr. Iftikhar Ahmed advocate for the K. Electric a/w Sheeraz Ali, General Manager, New Connection, Manzoor Ali Jamali, D.G.M. Billing Center, Saddar, Nusrat Mehmood, Survey Engineer, New Connection and Zulfiqar Ahmed Jeeelani, Manager Projects, (all officers of K-Electric).

Ms. Nasreen Sahito, State Counsel.

Muhammad Ali Mazhar, J: Basically, the petitioner has filed this petition for the implementation of the Electric Inspector order dated 07.04.2011 passed on the Application No. EIK-8-1(10)/2009-260. The order passed by Electric Inspector in favor of the petitioner was challenged by the respondent No.1 under Section 24 and 26 of Electricity Act, 1910 before the Secretary to Government of Sindh, Energy Department but findings of the Electric Inspector were upheld and the appeal was rejected. The C.E.O of K-Electric was also directed to initiate disciplinary action against the concerned officer for using delaying tactics. It is an admitted fact that the order

passed by the Secretary to Government of Sindh, Energy Department was never challenged by the K-Electric and since 2013 the matter is pending without any implementation, therefore, the petitioner has approached this court for enforcement of the order passed in their favor.

2. Earlier, the sub-station was to be set up in the basement of the petitioner's building known as "Al-Rehman Trade Center", New Challi, Karachi but according to the safety Regulations and opinion of the safety department, K-Electric, the substation cannot be installed/energized in the basement due to some ventilation issues. On last date of hearing, the officers present requested for one more adjournment to place some proposal to resolve the issue. Today, they have filed a proposal but again on some issues, the petitioner has raised objections, however, in the same proposal, it is admitted that the tentative amount of tariff difference of Rs. 7.45 million will be credited to the billing account of the petitioner after energizing the scheme. After arguing at some length, the attorney of the petitioner, their counsel and the officers present in court of K-Electric and their counsel have agreed to resolve the dispute for energizing the electric connection of the petitioner's project in the following terms:-

- i. The cost of Scheme is Rs. 9.7 million as intimated to this court today. Since tentative amount of Rs. 7.45 million against the tariff difference is admitted by the K-Electric, therefore, this amount will be deducted from the estimate.

ii. The attorney of the petitioner further submits that approximately 350 meters are lying in the basement which were purchased from the K-Electric earlier but the representative of the K-Electric submits that due to change in the policy the meters lying in the basement cannot be used as there is likelihood of corrosion in their magnets which will deteriorate the performance. Since the new meters are also included in the cost of scheme i.e. Rs. 9.7 million, therefore, the officers of the K-Electric undertake that old meters will be lifted from the basement of the petitioner and the cost of the meters paid by the petitioner earlier will also be deducted from the final estimate as per prevailing policy.

iii. The officers of K-Electric also submit that there are certain other charges payable by the petitioner under NEPRA Rules and Regulations. In this regard, the concerned department of the K-Electric will call the petitioner's attorney in their office and place all such Rules and Regulations along with proper calculation. Thereafter, the said charges will also be included in the estimate in accordance with law

iv. As soon as final estimate is received to the petitioner the amount will be paid within 20 (twenty) days by the petitioner to K-Electric.

v. The equipment earlier purchased by the petitioner for installing the substation in the basement will remain the property of the petitioner and they may dispose of the same at their own discretion except meters.

vi. While installing PMTs on polls, necessary road cutting permission, if required, shall be obtained by the petitioner from the concerned civic agencies and

copy of permission will also be supplied to K-Electric before executing the work.

vii. While pointing out the location for installation of PMTs at the polls adjacent to the building, the petitioner will ensure that no hindrance or obstruction will be caused to the K-Electric staff or technical team and in case of any such hindrance and obstruction, the petitioner shall resolve the issue.

3. By consent of the parties, petition is disposed of along with pending application in the above terms.

JUDGE

JUDGE

Aadil Arab