

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

C.P. No. D – 5497 of 2022: M/s. Sui Southern Gas Company Ltd.,
versus Federation of Pakistan and
another.

For the Petitioner : Through M/s. Ameer Nausherwan
Adil, Ghazi Khan Khalil, Zeeshan
Ahmed, Aftab Ali and Syed Kumail
Abbas, Advocates, alongwith Raja
Love Kush, Deputy Manager (Legal),
SSGC

Federation of Pakistan : Barrister Mohsin Kadir Shahwani,
Additional Attorney General for
Pakistan *assisted by* Ms. Mehreen
Ibrahim, Deputy Attorney General for
Pakistan, Muhammad Ahmed,
Assistant Attorney General for
Pakistan.

Mr. Owais Nauman Kundi,
Additional Secretary, Ministry of Law
& Justice Division, Islamabad and Mr.
Wajid Aziz Qureshi, Assistant
Solicitor, Ministry of Law & Justice
Division, Islamabad.

Registrar High Court : Mr. K.A. Vasani, Assistant Advocate
General Sindh.

OGRA : M/s. Asim Iqbal, Farmanullah Khan
and Syeda Maryam, Advocates for the
OGRA in all petitions.

Date of hearing : 18-11-2025

Date of decision : 18-11-2025

ORDER

Muhammad Jaffer Raza J. – Pursuant to order dated 29-10-2025,
Mr. Owais Nauman Kundi, Additional Secretary, Ministry of Law &
Justice, Division, Government of Pakistan, has entered appearance on

behalf of the Secretary, Ministry of Law & Justice Division, and filed counter affidavit wherein notification dated 17-11-2025 has been annexed. That notification reads:

“District and Session Judges to whom the power of Gas Utility Court have already been conferred, have exclusive jurisdiction with respect to all matters (Civil and Criminal) covered by the Act.”

Learned Additional Attorney General submits that this notification settles the ambiguity surrounding the jurisdiction of the Gas Utility Court under the Gas (Theft, Control and Recovery) Act, 2016 [Act 2016] and addresses the grievance of the SSGC.

2. The crux of this petition filed by the SSGC pertains to the implementation of the Act 2016. The issue arose when SRO No.293(I)/2017 dated 02.05.2017 was issued to confer powers of the Gas Utility Court under section 3 of the Act 2016 to District & Session Judges. The text of that SRO suggested that only the power to try offences under the Act 2016 was conferred and not the power to try civil suits. For this reason, the Gas Utility Courts declined to entertain recovery suits brought by the SSGC under section 6 of the Act.

3. We have perused the provisions of the Act 2016 and it is apparent from bare reading of the same that once the District & Sessions Judges were designated as Gas Utility Courts under section 3 of the Act 2016, then by virtue of sections 4 and 5 of said Act, those Courts were automatically vested with exclusive jurisdiction to try both suits and offences under the Act 2016, and no further notification was required to confer subject matter jurisdiction to those Courts. In that respect, we concur with the finding of the learned Single Judge in the case of *Sui Southern Gas Company Limited versus M/s. Data CNG Filing Station, Larkana* (2021 MLD 568). Learned Additional Attorney General acknowledges that to be the legal position. He submits that for this reason, the Ministry of Law and Justice has issued the notification dated 17.11.2025 to clarify the matter. Learned counsel for

the SSGC accepts that the purpose of the petition stands served. Therefore, the show-cause issued earlier is withdrawn.

4. In view of the foregoing, we dispose of the petition with the declaration that SRO No.293/2017 dated 02.05.2017 had no effect on the exclusive jurisdiction of Gas Utility Courts to try both civil suits and offences under the Act 2016.

JUDGE

JUDGE

*PS/SADAM