

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber)

C.P No.D-1018 of 2025

[Ghulam Mustafa Soomro v. Federation of Pakistan and 04 others]

Petitioner : Mr.Ghulam Mustafa, Advocate in-person

Respondent No.2 by : Mr.Sikandar A. Kolachi, Advocate

Respondents No.4 by : Mr.Irfan Ali Chandio, Advocate

Respondent No.3 by : Nemo.

Respondent No.5 by : Mr.Ayaz Ali Rajper, Assistant Advocate General Sindh

Date of Hearing & Decision : **11.03.2026**

Date of Reasons : **18.03.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner, appearing in person, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking various declaratory and injunctive reliefs in relation to the alleged supply of substandard and hazardous natural gas within District Sanghar. The grievance is that the respondents, acting jointly or in collusion, are supplying natural gas containing Carbon Dioxide (CO₂) in far excess of the maximum permissible limit prescribed by the Oil and Gas Regulatory Authority (OGRA), thereby endangering public health, safety, and the environment.

2. The petitioner asserts that he is a resident of Shahdadpur and a practising advocate engaged in public interest matters. He avers that OGRA has approved natural gas quality specifications, with a maximum allowable CO₂ content of 3 mol%. It is alleged that respondents, particularly SSGC and respondent No.4 (M/s Shaheen Energy Pvt. Ltd.), are supplying gas

containing CO₂ levels ranging between 6 to 12 mol%, which, according to the petitioner, is grossly illegal, hazardous and in violation of OGRA standards and poses serious risks to human health, including suffocation, oxygen displacement and corrosion of pipelines. The petitioner further alleges that respondent No. 4 is attempting to unlawfully connect its private pipeline to the SSGC main transmission line without the requisite approvals, and that the transportation of compressed gas in containers is unsafe, unregulated, and conducted without feasibility studies, certified cylinders, or environmental clearances. He claims that such activities violate Articles 9 and 14 of the Constitution.

3. The petitioner submits that the matter involves grave public importance, as the alleged supply of substandard gas directly infringes the fundamental rights to life and dignity. He reiterates that OGRA's own notified standards prescribe a maximum CO₂ concentration of 3 mol%, whereas the respondents are allegedly supplying gas with CO₂ concentrations of 6 to 12 mol%. He argues that respondent No.4 lacks lawful authority to install pipelines or supply flare gas for domestic consumption and that no laboratory testing, environmental approval or regulatory oversight has been exercised. He maintains that the activities of respondent No. 4 are suspicious and constitute a threat to public safety due to the use of non-certified high-pressure containers. The petitioner contends that he is an aggrieved person within the meaning of Article 199, as the alleged acts affect the public at large, including himself as a resident of the affected area. He submits that no alternate remedy is available and that the Court must intervene to prevent imminent harm.

4. Learned counsel for OGRA opposes the petition and submits that the allegations are misconceived and unsupported by evidence. He states that under the OGRA (Licensing) Rules, 2002, all licensees are bound to supply natural gas in accordance with the specifications determined by OGRA and that OGRA has duly notified the natural gas quality standards on 05.06.2018, including the CO₂ limit of 3 mol%. He further submits that respondent No.4

was granted a licence on 27.11.2024 for the sale of flare gas exclusively to industrial consumers and that the Gas Sale and Purchase Agreement (GSPA) and Access Agreement executed with SSGC contain explicit provisions ensuring compliance with OGRA's gas quality standards. It is argued that the petitioner has produced no laboratory report, technical data or expert evidence to substantiate the allegation of excessive CO₂ levels. Learned counsel maintains that the petitioner lacks locus standi, as he has failed to demonstrate personal aggrievement.

5. Learned counsel for respondent No.4 raises preliminary objections regarding maintainability. He submits that the petition is motivated by private rivalry, asserting that the petitioner is acting at the behest of his relative, who unsuccessfully participated in a bidding process involving OGDCL. He refers to earlier civil and criminal proceedings initiated by the petitioner's relative, which were dismissed or withdrawn. He contends that respondent No. 4 holds all requisite licences, including those issued by OGRA, the Department of Explosives, and the Sindh Environmental Protection Agency (SEPA), and that the Deputy Commissioner, Sanghar, issued a valid NOC. He relies on SEPA's approval dated 30.01.2024, which confirms environmental compliance for the low-pressure gas handling facility. Learned counsel denies all allegations regarding the supply of substandard gas, illegal pipeline connections or unsafe transportation. He submits that the petitioner has not produced any documentary evidence, laboratory test results, or public complaints. He argues that disputed technical questions cannot be adjudicated in constitutional jurisdiction and that the petitioner has not approached the statutory forum under Section 11 of the OGRA Ordinance, 2002.

6. Learned Assistant A.G. Sindh adopts the comments filed by the Deputy Commissioner Sanghar and submits that no relief has been made out against respondent No.5. He clarifies that the Deputy Commissioner issued only a conditional administrative NOC, expressly requiring respondent No.4 to obtain all approvals from OGRA, the Explosives Department, SEPA and

other competent authorities. The NOC did not authorise the supply of gas, the interconnection of pipelines, or the commencement of operations. He denies any violation of Articles 9 or 14 and submits that the petition, insofar as it concerns respondent No.5, is misconceived and liable to be dismissed.

7. We have heard the petitioner, who is an advocate and has argued the matter in person, learned counsel appearing for respondent No.2 (OGRA), learned counsel for respondent No.4 (M/s Shaheen Energy Private Limited), as well as the learned Assistant Advocate General Sindh and have minutely perused the material available on record.

8. The petitioner's case rests on the assertion that OGRA's notified natural gas quality specifications prescribe a maximum Carbon Dioxide (CO₂) limit of 3 mol% and that respondents, acting in collusion, are supplying gas with CO₂ levels allegedly ranging between 6 and 12 mol% to domestic consumers in Sanghar. The petition states that such gas is grossly illegal, hazardous, and in violation of OGRA standards, and that it poses risks of suffocation, oxygen displacement, corrosion, and other health hazards. The petitioner further alleges that respondent No. 4 is unlawfully attempting to connect its private pipeline to SSGC's main line and is transporting compressed gas in unsafe containers without regulatory approvals.

9. Respondent No.2 (OGRA), however, has categorically denied these allegations. It has placed on record the Natural Gas Quality Notification dated 05.06.2018, which indeed prescribes a maximum CO₂ limit of 3 mol%, but OGRA asserts that all licensees, including SSGC and entities operating under flare-gas arrangements, are bound by these standards. OGRA further states that M/s Shaheen Energy (Pvt.) Ltd. was granted a licence on 27.11.2024 for the sale of flare gas to industrial consumers only, and the Gas Sale and Purchase Agreement (GSPA) and Access Agreement executed with SSGC incorporate gas-quality conditions aligned with OGRA's standards. OGRA maintains that no violation has been reported to it, nor has

the petitioner invoked the statutory complaint mechanism under Section 11 of the OGRA Ordinance, 2002.

10. Respondent No.4 has filed extensive comments, producing its licences issued by OGRA, the Department of Explosives and the Sindh Environmental Protection Agency (SEPA), as well as the conditional NOC issued by the Deputy Commissioner, Sanghar. The SEPA approval dated 30.01.2024, placed on record, confirms that the environmental regulator has approved the Construction & Operations of Low-Pressure Gas (Permeate Gas) Handling Facility at OGDCL Sinjhoru Gas Field, subject to a detailed Environmental Management Plan and quarterly monitoring by an Independent Monitoring Consultant. Respondent No.4 denies supplying any substandard gas, denies any unlawful pipeline connection and asserts that the petition is motivated by private rivalry arising from a failed commercial bid by a relative of the petitioner.

11. Respondent No.5 (Deputy Commissioner, Sanghar) has clarified that his office merely issued an administrative NOC, expressly conditional upon respondent No.4 obtaining all approvals from OGRA, SEPA, the Explosives Department and other competent authorities. The Deputy Commissioner has categorically denied authorising any supply of gas, pipeline interconnection or operational commencement.

12. During the pendency of the present constitutional petition, the petitioner instituted Criminal Misc. Application No.01/2026 before the Consumer Protection Court/Judicial Magistrate, Sanghar, under Section 133 Cr.P.C, alleging that respondent No.4 was supplying substandard and unsafe gas to SSGC. Learned Magistrate, vide order dated 19.02.2026, recorded the statement of respondent No.4's authorised representative that currently they are not supplying gas to the Respondent No.1, whereupon the petitioner expressed satisfaction and withdrew the application. The order concludes the application under section 133 Cr. PC is disposed of as withdrawn.

13. The filing of Criminal Misc. Application No. 01/2026, filed during the pendency of this petition, has two significant legal consequences. First, it demonstrates that the petitioner himself was uncertain about the factual substratum of his allegations and sought parallel adjudication before another forum. Second, the withdrawal of that application, after accepting the respondent's statement that no gas was being supplied, undercuts the petitioner's assertion before this Court that hazardous gas is presently being supplied to domestic consumers. The petitioner did not challenge the said order, nor did he dispute the respondent's statement before the Magistrate. This conduct, occurring during the pendency of the present petition, casts a long shadow over the credibility of the allegations now pressed before us.

14. The petitioner was under a duty to maintain consistency and candour across all proceedings. When a litigant simultaneously pursues multiple remedies on the same factual allegations and then withdraws one proceeding upon being informed that the alleged activity is not occurring, he cannot, without cogent evidence, continue to press the same allegation in constitutional jurisdiction. The petitioner's conduct, therefore, weakens the factual foundation of the present petition and raises concerns about the petition's bona fides.

15. The petitioner has not demonstrated any individualised injury or direct infringement of his own rights. His standing is asserted on the basis of the general public interest. While public interest litigation is recognised in our jurisprudence, it is equally well-settled that such jurisdiction cannot be invoked to pursue private disputes, commercial rivalries or speculative allegations. Respondent No.4 has placed on record prior civil and criminal proceedings initiated by the petitioner's relative, which were dismissed or withdrawn. Although we refrain from attributing motives, the existence of such parallel disputes cannot be ignored.

16. More importantly, Section 11 of the OGRA Ordinance, 2002 provides a specialised statutory remedy for complaints against licensees. The

petitioner has not invoked this remedy, nor has he explained why he bypassed the regulator. The Supreme Court has repeatedly held that where a statute provides an adequate and efficacious remedy, constitutional jurisdiction is not to be invoked as a court of first instance, particularly in matters involving technical regulation.

17. The allegations in the petition involve inherently technical questions that are CO₂ concentration, calorific value, gas processing, flare-gas handling, pipeline integrity and environmental compliance. These matters require laboratory testing, expert evaluation and regulatory inspection. The petitioner has not produced a single laboratory report, test certificate or expert opinion. The petitioner relies on unverified assertions of reliable information, technical data and preliminary test reports, none of which are annexed. Constitutional jurisdiction cannot be exercised on conjecture.

18. The petitioner invokes Articles 9 and 14 of the Constitution, alleging that the supply of substandard gas violates the right to life and dignity. While environmental hazards may, in appropriate cases, constitute a violation of fundamental rights, such a claim must rest on a demonstrable factual foundation. No incidents of suffocation, injury, property damage, or pipeline corrosion have been recorded. No complaint from any consumer, neighbourhood or public authority has been produced. The petitioner's assertions remain speculative.

19. The order of the Consumer Protection Court, passed during the pendency of this petition, further undermines the allegation of ongoing supply of hazardous gas. When confronted with the respondent's statement that no gas was being supplied, the petitioner accepted the statement and withdrew his application. This conduct is inconsistent with the claim of an imminent threat to public life.

20. In these circumstances, the extraordinary jurisdiction of this Court under Article 199 cannot be invoked. To do so would be to supplant the role of specialised regulators and to adjudicate on conjecture rather than proof.

21. Above are the reasons of short order dated 11.03.2026, whereby this petition was **dismissed**.

JUDGE

JUDGE

AHSAN K. ABRO