

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**C.P. No.D-917 of 2016***[Hyderabad Electric Supply Company vs. M/s Suryya Textile Mills Pvt Ltd and others]***Before:****JUSTICE ADNAN-UL-KARIM MEMON****JUSTICE MUHAMMAD JAFFER RAZA**

Petitioner:	By Mr. Muhammad Arshad Pathan advocate
Respondent No.1	By Mr. Noor Ahmed Memon advocate
Respondents 2&3	By Mr. Ayaz Ali Rajper Assistant A.G Sindh
Date of hearing	15.10.2026
Date of Decision	15.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioners, HESCO, have filed the instant Constitution Petition under Article 199 of the Constitution, challenging the orders dated 21.02.2008 passed by the Electric Inspector and 14.12.2015 passed by the Chairman, Advisory Board, Energy and Power Department, Government of Sindh, whereby the detection bill of Rs.733,617/- for 195,888 units stolen by respondent No.1, a textile mill, was set aside.

2. The learned counsel for the petitioners contend that respondent No.1 was caught red-handed committing electricity theft, and the detection bill was issued on the basis of the meter record, consumption history and reports of HESCO and its M&T Department. It is argued that the Electric Inspector erroneously set aside the detection charges on the ground of limitation without considering the merits and relevant technical record. The petitioners counsel further submitted that Syed Akhtar H. Kazmi, who passed the order as Electric Inspector, subsequently decided the appeal in the capacity of Chairman, Advisory Board, thereby reviewing and upholding his own earlier decision, rendering both orders unlawful, mala fide and without lawful authority. Alleging misreading and non-reading of the record and failure to give cogent reasons, the petitioners' counsel seek setting aside of both impugned orders, dismissal of respondent No.1's complaint, recovery of the detection charges of Rs.733,617/- or furnishing of a bank guarantee under Section 54-C of the Electricity Act, 1910, and payment of current electricity charges. He submits that the same authority cannot decide the appeal against the decision passed by him being author of original order.

3. The learned counsel for the respondent has raised the question of maintainability of the petition and argued that the appellate authority comprised another member as well and that the decision is legally sustainable under the law.

4. Prima facie, the same person could not sit in appeal over his own decision and, accordingly, we deem it fit to remand the matter to the appellate authority for fresh decision within three weeks.

5. The petition, along with pending applications, is disposed of.

JUDGE

JUDGE

Ali.