

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2974 of 2019
(K-Electric Limited versus National Electric Power Regulatory Authority (NEPRA) and others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing: 02.09.2026

Mr. Ayan Mustafa Memon, advocate for the petitioner.
Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J. The petitioner, K-Electric Limited, has filed the instant Constitutional Petition under Article 199 of the Constitution, challenging NEPRA's decisions dated 25.09.2018 and 21.03.2019, whereby a fine of Rs.5 million was imposed upon it for alleged prolonged and unannounced load-shedding during Ramadan, 2017.

2. The petitioner's counsel contended that the load management was necessitated by extraordinary circumstances, including curtailment of gas supply, tripping and collapse of NTDC's 500-KV transmission circuits and other technical disturbances, resulting in a substantial power shortfall. It maintained that these circumstances constituted force majeure, which had duly been communicated to NEPRA. The petitioner's counsel further alleged that NEPRA failed to properly consider its response and force-majeure claim, relied upon limited data relating to certain feeders and grid stations, and subsequently relied upon information obtained from NPCC without providing an adequate opportunity to explain or rebut the same. It was also contended that the petitioner's request for force majeure had been rejected on 01.08.2017, but the decision was not communicated until 14.01.2019, whereafter the petitioner filed a review which remained pending when the impugned fine was imposed. The petitioner also submitted that an efficacious alternative remedy was unavailable as the Appellate Tribunal contemplated under Section 12-G of the NEPRA Act had not been constituted and made functional.

3. Learned Assistant Attorney General submitted that NEPRA/Appellate Tribunal is functional and the petitioner's appeal was/is pending before the NEPRA/Appellate Tribunal; the same needs to be decided within a reasonable time and in accordance with law.

4. When confronted with this position of the case, the counsel for the petitioner agreed for disposal of this petition in terms of the availability of the remedy.

5. Prima facie, the proposal of the parties appeared reasonable and is accepted.

6. Without entering into the merits of the case, this Court directs NEPRA/Appellate Tribunal to decide the pending appeal of the petitioner within three months. In the meantime, the interim order passed by this Court is directed to remain operative until final decision of the statutory appeal.

7. The petition and pending applications are accordingly disposed of, with a copy of the order to be communicated to the Registrar, NEPRA/Appellate Tribunal, for compliance in time.

JUDGE

JUDGE

Shahzad Soomro