

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P. No. D – 696 of 2020**

Date of hearing	Order with signature of Judge
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**Hearing of case (priority)**

1. For orders on office objection at Flag-A
2. For hearing of CMA No.3186/2020 (S/A)
3. For hearing of main case

**02-03-2022**

Mr. Muhammad Ali Napar, Advocate for the Petitioner.

Mr. Nauman Fareed Shaikh, Advocate for Respondents No.2 to 7 along with Fareed Ahmed Pathan, Executive Engineer, SEPCO, Khairpur.

Mr. Muhammad Hamzo Buriro, Deputy Attorney General.

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Through this Petition, the Petitioner has sought the following relief(s):

- a) *That the act of the respondents for issuance of heavy advance detection bill of electricity against the petitioner/consumer with their own accord, without adopting the proper procedure as laid down in the sub Section 6 of Section 26 of Electricity Act, 1910 is totally illegal, unlawful, ab initio and based on malafides.*
- b) *To direct the respondents to withdraw the above illegal and unlawful advance detection bill amounting to Rs.29,50,752/- issued by respondent No.06 against the petitioner/consumer.*
- c) *To grant interim injunction thereby restrained the respondents for taking any coercive action and suspending the operation of the impugned detection bill and restraining the Respondents from disconnecting the Electricity supply of the above named consumers, till final disposal of instant Petition.*
- d) *Any other relief which this Hon'ble Court deems fit and proper under the circumstances of the case.*

On 15-07-2020, when this Petition was taken up, the following order was passed:

*“4. In the present petition, the petitioner has mainly prayed for direction to the competent authority of the Respondent-Company to resolve his electricity related issue on priority basis. As per pleading of the petition, dispute has arisen between them relating to alleged theft of electricity and detection bill (at page-17) was issued in pursuance thereof.*

*We have noticed that the detection bill has been challenged by the petitioner before this Court rather than before the Electric Inspector, who has jurisdiction to deal with the matter.*

*Learned Counsel for the petitioner argued that the Respondent-Company is adamant to take coercive measures against the petitioner by disconnecting electricity connection due to non-payment of detection bill in time for purported case of theft of electricity etc. as discussed supra. It is also contended that the petitioner is constrained to invoke the jurisdiction of this court as the respondents had failed to redress his grievance despite passage of considerable time.*

*We queried from the learned Counsel as to how this petition is maintainable in view of remedy available to the petitioner with the electric Inspector, he replied to the query with the assertion that certain perishable items lying in the deep cold store, therefore, he has rushed to this Court for redressal of his grievances, however, he states that the respondents have not adopted the due procedure as provided under the Electricity Act, 1910. It is next contended that the petitioner is ready and willing to deposit half of the amount as shown in the detection bill before the Additional Registrar of this Court within a period of one week, and he is ready and willing to submit an application before the Electric Inspector for proper adjudication of the matter. He lastly prayed for direction to the Respondent-SEPCO not to take any coercive action against the petitioner.*

*Be that as it may, let notice be issued to the Respondents as well as learned DAG for 12.08.2020. In the meanwhile, respondents are directed not to take coercive action against the petitioner subject to deposit of half of the amount as disclosed in the detection bill issued by the Respondent-Company with the Additional Registrar of this Court within a period of one week as well as regular payment of ongoing monthly electricity charges in the normal course.”*

From perusal of the above, it appears that this Petition has apparently served its purpose inasmuch as the urgency shown by the Petitioner in respect of disconnection stands redressed. Per Section 26(6) of the Electricity Act, 1910, the Petitioner has to approach the Electric Inspector for redressal of his grievance.

In view of such position, the Petition is **disposed of** by directing the Petitioner to seek appropriate remedy before the Electric Inspector under the Electricity Act, as above. The Electric Inspector shall decide the matter in accordance with law. The fate of the amount deposited with the Additional Registrar of this Court as well as the detection bills would be subject to the decision of the Electric Inspector.

The Petition stands **disposed of** with pending application in the above terms.

J U D G E

J U D G E

Abdul Basit