

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

C.P.No.D- 1004 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.
2. For hearing of MA 5238/2015.

02.06.2015.

Mr. Irfan Ahmed Qureshi, Advocate for petitioner.
Mr. Allah Bachayo Soomro, Additional A.G.

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Through instant petition, the petitioner has impugned the detection bill issued for the month of May 2015 in respect of the petitioner, whereas according to learned counsel for the petitioner, the petitioner is making regular payments of his bills and has also made payment of his electricity bill for the month of May amounting to Rs.5,40,159/- available at Page 13 as Annexure 'A'. Learned Counsel for the petitioner submits that in order to meet revenue targets, the respondents have issued a forged bill for the month of May 2015 whereas, neither any show cause notice was issued to the petitioner nor the petitioner has been ever confronted with the allegations of any theft or faulty meter or electricity consumption while preparing the impugned detection bill. It has been prayed that respondents may be directed to withdraw the impugned bill and not to disconnect the electricity of the petitioner.

Notices were issued, pursuant to which Syed Jawaid I. Bukhari has shown appearance and filed Vakalatnama on behalf of respondents No.2 to 5 and submits that instant petition is not maintainable whereas petitioner is not the owner of Ghulam Shabir

Ice Factory in respect of which detection bill has been issued. It has been further submitted that detection bill has been issued after survey and verification by concerned officers of HESCO.

Learned Counsel for the petitioner submits that petitioner is the lessee who is running the said Ice Factory and making payment of all electricity dues regularly as per bill issued after proper meter reading, whereas there is no default or violation on the part of petitioner in respect of electricity bills.

Since controverted facts have been agitated through instant petition and a short controversy is involved, we would dispose of this petition with directions to the petitioner to approach the concerned Electric Inspector by filing an application in accordance with Section 26 of Electricity Act 1910 who shall decide the matter in accordance with law after providing opportunity of being heard to the concerned parties. However, during this period, the respondents shall not disconnect the electricity of petitioner, provided the petitioner may continue to deposit the regular electricity charges excluding the amount of impugned detection bill, and may seek further restraining order in respect of the detection bill in accordance with law before the Electricity Inspector in terms of Section 26 of Electricity Act. However, it is expected that representation of petitioner shall be decided preferably within a period of one month from the date of having received such application not later than seven days from the date of this order.

Petition stands disposed of in the above terms alongwith listed application.

JUDGE

JUDGE