

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4563 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.21089/2023 (Urgent).
2. For order on CMA No.21090/2023 (Exemption).
3. For order on CMA No.21091/2023 (Stay).
4. For hearing of main case.

Dated; 22nd September 2023

Petitioner Mr. Muhammad Jibran Nasir Advocate
present in person.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.

3&4. Through instant Constitutional Petition, the petitioner has expressed his grievance against issuance of an exorbitant bill by the K-Electric for the month of August 2023 amounting to Rs.156,271/-, wherein, according to petitioner, 2675 units has been shown as consumed by the petitioner, however, the petitioner has impugned such bill by filing complaint before the Electric Inspector, Karachi Region, wherein, notices have been issued, however, no final order has been passed thereon. Thereafter, according to petitioner, K-Electric has issued a bill for the month of September 2023 showing previous balance as outstanding alongwith disconnection notice, which has also been impugned before Electric Inspector, however, no order has been passed thereon as well. According to petitioner, in terms of Sections 24(1) and 24(2) of the Electricity Act, 2010, domestic connection cannot be disconnected in case of delay/default in payment of electricity bill, whereas, in case where complaint is filed before Electric Inspector same is decided by the Electric Inspector, no adverse action can be taken by the K-Electric, including disconnection

of the electricity. Without prejudice to hereinabove submission, the petitioner further submits that in case of non-payment, recovery of outstanding arrears can be effected while invoking the provisions of Section 54 of Electricity Act, 1910, however, electricity of a domestic consumer cannot be disconnected in view of amendment introduced in 1979 to this effect. In support of his submissions, petitioner has placed reliance in the case of ***JULEE SPINNING AND WEAVING MILLS LTD. v. THE KARACHI ELECTRIC SUPPLY CORPORATION LTD. AND ANOTHER (1983 CLC 856 relevant para 6 at page 131).*** Petitioner further submits that he is willing to make payment of electricity charges/bill for the month of September 2023 as well as 50% of the amount for the bill of August 2023, to avoid any delay, disconnection or adverse action by K-Electric, therefore, requests that K-Electric may be directed to issue revised bill for the month of August and September 2023 accordingly.

Let pre-admission notices be issued to the respondents, to be served through first three modes, for **03.10.2023**, when comments/reply, if any, shall be filed with advance copy to the petitioner. In the meanwhile, K-Electric may issue revised consolidated bill for the month of September 2023 by showing 50% of the amount for the month of August 2023 to be paid alongwith the bill for the month of September 2023 within three days, which shall be paid by the petitioner within two days thereafter, and subject to such payment, electricity of the petitioner shall not be disconnected till next date of hearing. In the meanwhile, Electric Inspector may decide the complaint(s) of the petitioner after hearing the parties in accordance with law.

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