

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI

M.A. No.54 of 2019

[Sui Southern Gas Company Limited v. Muhammad Insaf & another]

Appellant: Through Mr. Muhammad Ilyas Waraich,
Advocate.

Respondent: Through Mr. Muhammad Arif Khan,
Advocate.

Date of Hearing & order: **02.10.2025**

ARSHAD HUSSAIN KHAN, J. The Appellant, through the instant Miscellaneous Appeal filed under Section 13 of the Gas (Theft, Control and Recovery) Act, 2016, has challenged the judgment and decree dated 31.05.2019 (the “**impugned judgment**”) passed by the learned District & Sessions Judge, Karachi-West in Civil Suit No.03 of 2018 whereby the suit of respondent No.1 was decreed as prayed for with no order as to costs.

2. Briefly, the facts of case are that respondent No.1/ plaintiff, owner of Flat No. D-4, Khushboo Center, Bhutta Village, Keamari, Karachi, alleges that his gas meter bearing No. 20753099, A/C No. 9311100000, earlier installed in his father’s name, was unlawfully removed during his absence abroad. Upon inquiry, the official of appellant/defendants demanded Rs.100,000/- as alleged arrears and later issued an inflated bill of Rs.13,34,640/-. Despite submission of prior paid bills and repeated complaints, the officials of the appellants/ defendant organization allegedly demanded bribe for restoring the connection. Consequently, the plaintiff filed suit No.03 of 2018 against the appellant/defendants for reinstallation of gas meter and permanent injunction with the following prayers :-

“a- To direct the defendant(s) to reinstall the meter No.20753099 vide account No.9311100000 is installed with the Flat No.D4, 4th Floor. Plot No.B-11, 045/3, Khushboo Centre Karachi, Masjid Road. Bhutta Village, Keamari Karachi immediately

b- To direct the defendant(s) to remove the arrears mentioned in bill of amounting Rs.1334640-m respect of meter No.9311100000 is installed with the Flat No.D4, 4th No.20753099 vide account Floor. Plot No.B-11, 045/3. Khushboo C'entre Karachi. Masjid Road, Bhutta Village. Keamari Karachi.

c- To direct the defendant(s) to issue regular bill to the plaintiff as per his consumption till final decision of the instant suit.”

Upon filing of the suit, the learned Trial Court issued notices to the appellant and respondent No.2, who appeared and filed their written statements, vehemently denying the claim of respondent No.1 and praying for dismissal of the suit. Subsequently, on the basis of the pleadings of the parties, the learned Trial Court framed the following issues for adjudication:

1. Whether the suit is maintainable?
2. Whether the Gas Bill dated 12th October 2018 amounting to Rs.13,30,640/- is proper and logically acceptable under the law?
3. Whether plaintiff committed default in payment of gas bill?
4. Whether the defendants removed the gas meter in accordance with the law?
5. Whether the plaintiff is entitled for the relief sought?
6. What should the judgment be?

3. In order to prove his case, the **respondent/plaintiff** examined himself and he produced the documents viz. Lease Deed (Exh. P/1), seven gas bills (Exh. P/2 to P/8), copy of gas bill amounting to Rs.1,320,000/- (Exh. P/9), application addressed to the defendants/SSGC (Exh. P/10), reply of SSGC (Exh. P/11), and death certificate of his father (Exh. P/12).

On behalf of the **appellants/defendants**, Muhammad Arif Latif, Chief Manager Legal Services and attorney of SSGC, was examined as DW-1, who produced the Sub-Power of Attorney (Exh. D/1). DW-2, Syed Irtza Ali Zaidi, Supervisor, Recovery Section, SSGC, was examined at Exh. D/2, while DW-3, Imtiaz Ahmed Khoso, Incharge, Meter Reading Bills, City Zone, SSGC, was examined at Exh. D/3. He produced the authority letter and statement of billing details (Exh. D/9 and D/10).

After recording the evidence and hearing the learned counsel for the parties, the learned trial Court decreed the suit filed by the respondent/plaintiff. The appellants/defendants have assailed the said judgment and decree through the present appeal.

4. Learned counsel for the appellant contended that the impugned judgment is contrary to law and facts, as the learned Trial Court failed to properly evaluate and appreciate the evidence adduced by both parties and proceeded to decree the suit on mere assumptions and presumptions. He argued that the learned Trial Court did not apply its judicial mind to the facts, circumstances, and applicable law, and ignored the documentary evidence

available on record, particularly the billing statements issued by the appellant on the basis of actual meter readings. It was further submitted that the respondent/consumer had illegally extended the gas connection to other occupants of the building and was supplying gas to four separate flats, which resulted in higher consumption. Therefore, the disputed gas bills were rightly generated in accordance with the actual meter readings. Learned counsel further argued that such conduct on the part of the respondent/consumer squarely falls within the definition of “unauthorized use of gas” as contemplated under Section 2(s) of the Gas (Theft, Control and Recovery) Act, 2016. He concluded that the impugned judgment is vitiated by non-reading and misreading of evidence, and therefore, is liable to be set aside, while the instant appeal may be allowed in the interest of justice.

4. Conversely, learned counsel for respondent No.1 opposed the appeal and supported the impugned judgment and decree. He contended that the impugned judgment suffers from no infirmity, illegality, or irregularity, as the same has been passed after due consideration of the pleadings, evidence, and material available on record. It was further submitted that the judgment is well-reasoned and in accordance with law, and therefore, does not warrant any interference by this Court in appellate jurisdiction. Learned counsel further submitted that the execution application filed for enforcement of the impugned judgment and decree has already been allowed, rendering the present appeal devoid of any legal substance. He accordingly prayed that the instant appeal be dismissed as being without merit.

4. Heard learned counsel for the parties and perused the material available on record carefully with their assistance.

5. From the record, it appears that the appellant/SSGC failed to produce any credible or convincing evidence to substantiate its plea that the respondent/plaintiff had obstructed access to the gas meter or that the meter was installed within the premises, thereby preventing proper readings for six months. No meter reader, inspection officer, or technical report was produced to establish the alleged difficulty in recording the meter readings or to verify the consumption figure reflected in the impugned bill. The witnesses examined on behalf of the appellant also found to be inconsistent, uncorroborated, and lacking in documentary support, and no contemporaneous material, such as computerized meter logs, inspection notes, or technical data, was placed on record to substantiate the appellant's version.

6. Insofar as the allegation of unauthorized use of gas is concerned, the same remained wholly unsubstantiated. Although the appellant asserted that the respondent had illegally extended the gas supply to four other flats, no inspection report, photographic evidence, or complaint under the Gas (Theft, Control and Recovery) Act, 2016 was ever produced or lodged. In these circumstances, the accusation of gas theft appears to be speculative, uncorroborated, and without any evidentiary foundation.

7. Insofar as the removal of the gas meter is concerned, the record reflects that the meter was removed without issuance of prior notice and without adherence to the prescribed procedure. No laboratory testing report, internal communication, or departmental correspondence was produced to justify or validate such removal. In these circumstances, the action of the appellant appears to be arbitrary, unjustified, and contrary to its own procedural framework and regulatory obligations.

8. In view of the foregoing discussion, this Court finds no illegality, infirmity, or misappreciation of evidence in the findings recorded by the learned Trial Court. The impugned judgment and decree, being well-reasoned and based on sound appreciation of the material available on record, call for no interference in appellate jurisdiction.

Accordingly, the instant appeal stands dismissed, and the judgment and decree of the learned Trial Court are hereby maintained.

JUDGE