

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 5558 of 2026
(Syeda Maria Raza versus Federation of Pakistan & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 04.9.2026

Petitioner Syeda Maria Raza present in person.
M/s. Asim Iqbal and Farmanullah, Advocates for K-Electric.
Ms. Wajeeha Mehdi, Assistant Attorney General.
Sarmad Kazi, Deputy Director, NEPRA.
Irtazaa Afzaal, General Manager, Legal Affairs (K-Electric).

ORDER

Adnan-ul-Karim Memon, J. Petitioner Syeda Maria Raza has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- i) *Direct Respondent No.2 to vacate the stay order dated 17.10.2025, which is unlawfully claimed by Respondent No. 3, as it violates the principles of justice, equity, settled law, and Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973.*
- ii) *Direct Respondent No.3 to immediately decide the petitioner's application dated 09.08.2026 filed under Section 40(2) of the NEPRA Act in accordance with the law, and to take action against Respondent Nos.4 and 5 for willfully disobeying the orders of Respondent No.3 and violating Part-III, Rule 4(v) of the Performance Standards (Distribution) Rules, 2005.*
- iii) *Direct Respondent No.3 to compel Respondent Nos.5 and 6 under the NEPRA Act to obey the orders dated 05.10.2019 and 17.10.2025 passed by it, and to strictly abide by their statements recorded in the order dated 05.10.2019.*
- iv) *Permanently restrain Respondent Nos. 5 and 6 from carrying out unjustified, unauthorized, discriminatory, and mala fide load shedding in the petitioner's area, and further direct them to restore uninterrupted power supply to all residents of the two main streets of Ghousia Masjid, including the eight internal streets, as star customers, without prejudice and in strict compliance with the orders dated 05.10.2019 and 17.10.2025 passed by Respondent No.3.*
- v) *Direct Respondent No. 3 to exercise its statutory oversight over Respondent Nos. 5 and 6, and to penalize or take coercive action against them in the event of any future violation of its orders.*

2. The petitioner, appearing in person, submits that she is a regular consumer of K-Electric and has been receiving electricity through a legally installed meter. She contends that although the residents of her locality are regular bill payers, K-Electric has subjected her area to prolonged and discriminatory load-shedding, allegedly because illegal connections were provided to an adjoining Katchi Abadi through her feeder, thereby artificially increasing line losses and categorizing the feeder as a high-loss feeder. She states that she repeatedly approached K-Electric

and NEPRA against the unauthorized load-shedding. On her complaint, NEPRA passed an order dated 05.10.2019 after K-Electric's representative stated that there would be no further load-shedding in the area. Despite the said undertaking, load-shedding resumed and continued. The petitioner thereafter approached this Court, which ultimately directed NEPRA to decide her pending complaint. The petitioner further submits that NEPRA passed an order dated 17.10.2025 in her complaint, imposing a fine upon K-Electric and observing that a consumer could not be subjected to load-shedding on account of non-paying consumers. She alleges, however, that the order was not communicated to her and that the fine was subsequently stayed without affording her an opportunity of hearing, despite her being the complainant and a necessary party. She therefore claims violation of the principles of natural justice and Article 10-A of the Constitution. She alleges that, particularly from June 2026, her area has again been subjected to approximately 16 to 18 hours of daily load-shedding. According to her, the locality was shifted from the load-shedding-exempt Usman Plaza Feeder to the Azeem Goth Park Feeder, which was categorized as a high-loss feeder, without notice or justification, resulting in discriminatory power outages. She maintains that one-half of the same street remains exempt from load-shedding while the portion where she resides suffers prolonged outages. The petitioner asserts that K-Electric is acting in violation of NEPRA's orders and the Performance Standards (Distribution) Rules, 2005, while NEPRA has failed to enforce its own orders despite repeated applications. She therefore seeks appropriate directions for vacation of the stay, decision of her pending complaint, enforcement of NEPRA's orders, cessation of discriminatory and unauthorized load-shedding, and restoration of uninterrupted electricity supply to her locality.

3. Learned counsel for K-Electric, while controverting the submissions of the petitioner, submits that the instant petition is not maintainable in view of the authoritative pronouncement of the Honourable Supreme Court in C.P. No.2224 of 2020, vide order dated 17.10.2023, whereby it was categorically held that grievances relating to load-shedding and electricity distribution are to be agitated before NEPRA, being the specialized statutory forum having the requisite jurisdiction and powers to grant adequate and efficacious relief. The Honourable Supreme Court, while setting aside the judgment of the Peshawar High Court, observed that the High Court had erred in entertaining the matter and issuing directions when the aggrieved respondents had the remedy of approaching NEPRA or any other competent forum. Learned counsel contends that the petitioner is, in substance, seeking enforcement of her alleged consumer rights, questioning the manner of load-shedding, feeder categorization, alleged line losses, and the implementation of NEPRA's regulatory directions. All such matters fall within the specialized regulatory domain of NEPRA, now before the

Appellate Tribunal against the decision of NEPRA, and cannot ordinarily be converted into proceedings under Article 199 of the Constitution. The petitioner herself has already approached NEPRA in respect of the same grievance and obtained an order in her favour, which decision is assailed before the Appellate Tribunal and stay is operating; therefore, she cannot bypass the tribunal and wait for the decision or invoke the constitutional jurisdiction of this Court merely because she is dissatisfied with the proceedings or orders passed by the Appellate Tribunal. learned counsel submits that mere pendency of appeal or alleged delay in such proceedings does not confer jurisdiction upon this Court to adjudicate the underlying technical dispute or to issue mandatory directions against K-Electric in disregard of the statutory mechanism. The Supreme Court's order dated 17.10.2023 squarely governs the matter and makes it clear that NEPRA is the proper forum for redressal of grievances concerning load-shedding. Learned counsel, therefore, submits that the petition, being essentially a dispute relating to electricity supply and load-shedding which falls within the specialized jurisdiction of NEPRA's appellate tribunal, is not maintainable under Article 199 of the Constitution. The petitioner may pursue her grievance before Appellate tribunal of NEPRA in accordance with law, but the constitutional jurisdiction of this Court ought not to be invoked as a substitute for the statutory remedy and even no direction could be given to appellate tribunal. He accordingly prays that the petition be dismissed as not maintainable, with the petitioner being left to avail the remedy available before the competent Appellate tribunal of NEPRA.

4. We have heard the petitioner who appears in person and learned counsel for the respondent K-Electric and perused the record with their assistance.

5. There is no cavil with the proposition that disputes relating to electricity supply, load-shedding, feeder losses and compliance with regulatory standards ordinarily fall within the specialized jurisdiction of NEPRA and its Appellate Tribunal.

6. The judgment of the Honourable Supreme Court in C.P. No.2224 of 2020, decided on 17.10.2023, also emphasizes that the statutory regulatory mechanism should ordinarily be availed of in such matters. However, the said principle cannot be applied mechanically so as to deprive this Court of its constitutional jurisdiction in every circumstance, particularly where the grievance brought before the Court is not merely a technical dispute regarding electricity consumption or load-shedding, but also concerns alleged failure of a statutory regulator to enforce its own orders and denial of an opportunity of hearing to an affected complainant.

7. In the present case, the petitioner had admittedly approached NEPRA regarding prolonged load-shedding in her locality and NEPRA passed orders after obtaining the response of K-Electric. The record further shows that the regulatory proceedings were not initiated at the instance of K-Electric alone but arose from the complaint of the petitioner, who claims to be a regular consumer. NEPRA, after considering the material placed before it, recorded findings regarding discriminatory load-shedding and the obligation of K-Electric to provide electricity to paying consumers on a non-discriminatory basis. The petitioner now alleges that despite such regulatory findings and directions, the complained-of situation continues. Aggrieved by NEPRA's decision dated 05.06.2024, K-Electric preferred a statutory appeal before the NEPRA Appellate Tribunal, which granted an interim order restraining operation of the impugned decision; the appeal remains pending adjudication.

8. The objection of learned counsel for K-Electric that the petition is wholly barred by the availability of an alternate remedy, therefore, does not completely answer the grievance raised before us. The doctrine of alternate remedy is a rule of judicial restraint and not an absolute bar upon the exercise of constitutional jurisdiction. More importantly, the petitioner is not seeking from this Court an independent determination of technical questions relating to feeder losses, electricity theft or the engineering requirements of the distribution system. The principal issue which presently survives is that the decision of NEPRA has been carried in statutory appeal by K-Electric, an interim order has been obtained from the Appellate Tribunal, and the appeal has remained pending.

9. We are also unable to accept the contention that mere pendency of the statutory appeal renders the petitioner remediless in all respects. The existence of an interim order in favour of K-Electric cannot be treated as a final adjudication of its appeal. Such interim protection is necessarily subject to the final decision of the competent forum. Equally, the pendency of the appeal does not confer upon either party an indefinite right to keep the dispute pending. Where an interim order has the effect of continuing the suspension of a regulatory decision, expeditious adjudication of the appeal becomes all the more necessary in order to prevent the interim arrangement from assuming the character of a final determination by passage of time.

10. The reliance placed by learned counsel for K-Electric upon the judgment of the Honourable Supreme Court in C.P. No.2224 of 2020 is, therefore, distinguishable on the facts and circumstances presently before us. The said judgment does not authorize a statutory forum to keep an appeal pending indefinitely, nor does it take away the constitutional power of this Court to ensure that a statutory remedy is made effective and meaningful. We are conscious that

this Court cannot substitute itself for the Appellate Tribunal or examine the technical merits of the appeal in constitutional jurisdiction. Nevertheless, the Court can legitimately require the competent statutory forum to exercise the jurisdiction vested in it within a reasonable time, particularly where an interim order is operating and the rights and interests of the parties continue to be affected.

11. It is also material that the petitioner has raised a grievance of discriminatory treatment of paying consumers and has alleged that prolonged load-shedding is being imposed upon her locality on account of losses allegedly attributable to other consumers or illegal connections. Whether these allegations are ultimately correct or whether K-Electric has lawful justification for the existing load-shedding are matters to be determined by the competent regulatory forum on the basis of evidence and technical material. This Court, therefore, expresses no opinion on the merits of those rival claims. Any observation made herein shall not prejudice either party before the Appellate Tribunal.

12. In these circumstances, instead of entering into the merits of the controversy or issuing any direction which may prejudice the pending statutory appeal, we consider it just and proper to require the competent forum to decide the matter expeditiously. The pendency of the appeal for an indefinite period, particularly when an interim order is operating against the implementation of the regulatory decision, cannot be allowed to continue without final adjudication.

13. Consequently, this petition is disposed of with the following directions:—

i. The NEPRA Appellate Tribunal shall take up and decide the statutory appeal preferred by K-Electric against the impugned decision/order of NEPRA on its own merits, strictly in accordance with law and without being influenced by any observation made in this order, preferably within one month from the date of receipt of a copy of this order.

ii. The Appellate Tribunal shall afford due opportunity of hearing to all necessary parties, including the petitioner, if she is otherwise entitled to participate in the proceedings in accordance with law, and shall pass a reasoned and speaking order.

iii. The Appellate Tribunal shall decide the appeal independently on the basis of the record and the material placed before it. Nothing contained in this order shall be construed as an expression of opinion by this Court on the legality or otherwise of the NEPRA decision, the alleged load-shedding, feeder losses, electricity theft, or the relief claimed by either party.

iv. The interim order operating in the statutory appeal shall remain subject to the final decision of the Appellate Tribunal and shall not be treated as determination of the appeal on merits.

v. In case the petitioner has any independent grievance regarding any subsequent or continuing violation of the applicable regulatory framework, she shall be at liberty to avail the remedy provided by law before the competent regulatory authority/forum.

14. With the above directions, this constitutional petition stands disposed of with no order as to costs.

JUDGE

JUDGE

Nadeem Qureshi PA