

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
C.P.No.D-303 of 2021
(SSGCL v/s. Federation of Pakistan and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections at flag "A".
2. For hearing of M.A.No.1347/2021 (S/A).
3. For hearing of main case.

24.09.2025

Mr. Abid Hussain Qadri, Advocate for the Petitioner a/w
Arsalan Haryah, Deputy Manager (Legal), SSGCL, Larkana.

Mr. Oshaq Ali Sangi, Assistant Attorney General, Pakistan.

Learned counsel when confronted with the legality of the petition has placed his reliance upon an un-reported Order dated 09.09.2025, passed by this Court vide C.P.No.D-301 of 2021 (Re-SSGCL versus Federation of Pakistan and others), we both are the signatory of the said order and therefore submits that by disposing of this petition, case may be remanded back to the trial Court/Court below enabling the petitioner to agitate its grievance before the said Court/Gas Utility Court, Kamber-Shahdadkot. Learned Assistant Attorney General, Pakistan has no objection.

Before parting with the order, it will be appropriate for the convenience of other para13 of the said order is reproduced as under:

- “13. We have examined the impugned orders minutely and are of the considered view that the Learned Trial Court passed the impugned orders due to an ambiguity in the notification issued by Federal Government whereby Gas Utility Courts were established. The ambiguity so prevailed, by now stands resolved that the notification dated 02.05.2017 conferred jurisdiction to Gas Utility Courts on both Civil and Criminal sides, to try the offences of Gas Theft and adjudicate the suits for recovery.”

Since the impugned orders were passed under misconception that the Gas Utility Courts established in the province of Sindh shall exercise powers as criminal courts only, therefore, a case for indulgence of this Court under its supervisory jurisdiction conferred under article 199 of the Constitution of Islamic Republic of Pakistan of 1973 is made out. Consequently, the petition is allowed. The impugned orders dated 11.02.2021 & 27.04.2021 are set aside. The Suit No.05/2019 titled SSGCL through its Attorney v. Aashique Hussain Wahocho shall be deemed to be pending before Learned Trial Court and shall be decided on merits in accordance with the provisions of The Gas (Theft Control and Recovery) Act 2016.

Petition stands disposed of in the above terms.

Judge

Judge