

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-5661 of 2020

Date	Order with signature of Judge
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Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Amjad Ali Sahito

M/s.Taj-10 CNG Station.....Petitioner

V/s

Federation of Pakistan

& others.... Respondents

03-03-2021

Syed Mureed Ali Shah, Advocate for the Petitioner.

Mr.Hussain Bohra, Assistant Attorney General.

M/s.Asim Iqbal & Ameer Haider, Advocates for OGRA

(Respondent Nos.2 to 5)

Mr.Nabi Bukhsh Leghari, Advocate holding brief for Mr.Mukesh

Kumar G. Karara, Advocate for Respondent Nos.6 and 7 (SSGCL)

Muhammad Ali Mazhar, J: Basically the petitioner has challenged the disconnection notice dated 4.11.2020 issued by Senior Executive Director (CNG), OGRA addressed to Managing Director, SSGCL, Karachi for disconnection of gas supply of petitioner's CNG Station situated at Plot/Survey No.2408/A, District Nawabshah. According to this letter Attock Petroleum Limited was granted license to operate CNG Station at the aforesaid outlet, which is valid upto 20.11.2022. The allegation is that the instant licensee has made alteration of works at their CNG Station and converted its trade name M/s.Atock Petroleum Limited to M/s.Taj Gasoline (Pvt.) Limited without acquiring proper approval from OGRA. A show cause notice was also issued. According to this letter no reply was submitted by the petitioner and in concluding paragraph it was further stated

that the CNG Station is being operated in violation of provision of CNG Rules, 1992, therefore, SSGCL has been directed to immediately disconnect/stop gas supply of instant CNG Station.

2. Learned counsel for the petitioner argued that there was no change or deviation. It is a matter of fact that both are separate and distinct entities. A license to operate was issued to M/s.Taj-10 CNG Station in the year 2008 by OGRA, whereas the license to M/s.Attock Petroleum Limited issued in the year 2010.

3. Learned counsel for OGRA argued that according to the comments filed by respondent No.2 the petitioner instead of filing appeal to Federal Government under Rule 8 (iii) of the CNG (Production and Marketing Rules), 1992 has directly approach this court. We have examined the Rules 8 (iii) of the aforesaid Rules. Basically, the petitioner was required to file appeal in the event of revocation or amendment of license under Sub-Rule (iii) of Rule 8 of the CNG (Production and Marketing Rules), 1992, which reads as under:-

“(iii) In case of revocation of a license or any alteration or amendment in the terms and conditions thereof, an appeal shall lie from the decision of the Authority to the Federal Government.”

4. We have observed from the impugned letter that license of the petitioner has neither been revoked nor cancelled and simply directions were issued to SSGCL to disconnect the gas connection. In the same letter also it is mentioned that no reply was filed by the petitioner to the show cause notice. At this juncture, learned counsel for OGRA also pointed out Page-71 of the court file, which is a copy of show cause notice dated

02.09.2020 issued by OGRA but no reply has been filed and the petitioner has directly approached this court.

5. Be that as it may, whether the petitioner is a valid licensee or not or the name of M/s.Attock Petroleum Limited was changed to M/s.Taj-10 CNG Station or both are distinct entities is a factual dispute, which cannot be resolved in the constitutional jurisdiction as the competent authority issued a show cause notice and it should have been replied by the petitioner at an early date.

6. The petition along with pending application is disposed of in the terms that the petitioner may submit the reply of show cause notice within a week with all material/documents in support of their case, thereafter, the competent authority (OGRA) shall provide ample opportunity of hearing to the representative of the petitioner and pass speaking order in accordance with law within 15 days and communicate the copy of order to the petitioner. In case the petitioner is found aggrieved, they may avail appropriate remedy of appeal provided in the aforesaid Rules.

Judge

Judge

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