

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 1645 of 2020

(Altat Hussain V/S Fed. of Pakistan & Ors)

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **01-03-2022**

Date of Decision: **01-03-2022**

Altat Hussain, the Petitioner present in person.
Mr. Ubedullah Malano, Advocate for the Respondents.
Mr. Muhammad Hamzo Buriro, D.A.G.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Constitutional Petition, the Petitioner has prayed for the following relief(s):

- (a) To direct the respondents No.04 and 05 to waive off gas detection charges Rs.42530/- imposed/included in month of November 2020 (Annex.C) in accordance with law and no adverse action including disconnection of gas connection may be taken against the Petitioner.
- (b) To direct the respondents No.04 and 05 to pass appropriate order/enquiry on pending applications of Petitioner regarding present detection charges Rs.42530/- in Nov: 2020 and previous paid detection charges Rs.18620/- imposed in month of December 2018 such previous paid detection charges may be adjusted in the bills.
- (c) To direct the respondent No.03 to conduct enquiry/take departmental action against responsible persons of SSGC Sukkur, as detection bills/amount is result maladministration in SSGC administration of regional office Sukkur.

2. Notices were ordered and comments have been filed on behalf of the Respondents, which reflects that the Petitioner has not only filed this Petition for redressal of his grievance, but so also has approached the office of Ombudsman with a complaint and Chairman, OGRA as well. It further appears that the Respondents No.3 to 6 in their comments have also raised an objection regarding maintainability of this Petition in view of

Sections 4 & 5 of the Gas (Theft Control and Recovery) Act, 2016. The Petitioner appears in person and has not been able to assist us in any manner as to the legal point involved in this case.

3. We have perused the record and have also been assisted by the Respondents' Counsel. Insofar as the Petitioner is concerned, the primary grievance is against the Gas Company in respect of some detection charges. Sections 4 & 5 of the Act in question very clearly provides that a Gas Utility Court has exclusive jurisdiction and apparently said Court is vested with civil as well as criminal jurisdiction. Not only this, the Petitioner has already approached this Court as well as office of the Ombudsman and Chairman, OGRA. Hence, his conduct also does not require any indulgence.

4. Since an alternate mechanism and remedy has been provided by way of a special Act, we are not inclined to entertain this Petition and assume jurisdiction. Therefore, this Petition is dismissed being not maintainable under our constitutional jurisdiction. However, the Petitioner may seek appropriate remedy, as may be available as above in accordance with law.

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