

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1666 of 2016

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For hearing of CMA No. 11763/16. (U/S 151 CPC)
 2. For hearing of CMA No. 10734/16. (U/S 114 CPC)
 3. For hearing of CMA No. 10672/12. (U/O 39 Rule 1 & 2 CPC)
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07.10.2019.

1,2 & 3. None present on behalf of the Plaintiffs nor any intimation received, whereas, record reflects that on 22.08.2016, an ad-interim order was passed by directing the Plaintiff to deposit the differential amount with the Nazir of this Court. However, no one has turned up before the Nazir of this Court to make compliance. It further appears that some review application was also filed; but no one has come forward to proceed with these applications. Accordingly, the listed applications are dismissed for non-prosecution.

It further appears that controversy, as raised in this matter regarding categorization of the Plaintiff as a “Captive Power Producer” instead of “Industrial Customer” or “Independent Power Producer” (IPP) already stands decided by a learned Single Judge of this Court reported as ***Bhanero Energy Limited v Sui Southern Gas Co. Limited (PLD 2017 Sindh 520)***, whereby, it has been held that industries producing power for their own consumption and selling the excess to another, including their supply into the main grid system does not fall within the category of independent power producers (“IPP’s”) on which a reduced tariff of gas is applicable. This judgment was impugned in appeal and a learned Division Bench of this Court has been pleased to dismiss the appeals by maintaining the judgment of the learned Single Judge and the case is reported as ***Olympia Power Generation (Pvt.) Limited v Sui Southern Gas Company Limited (PLD 2017 Sindh 73)***.

In view of this position this Suit is dismissed for the reasons so recorded in the aforesaid judgments.

J U D G E