

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. Nos.D-7432/2021

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Date

Order with signature of Judge

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For order as to maintainability.

24.12.2021

Mr. Inayat Ali Mirza, Advocate for the petitioner.

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The counsel states that the nature of this petition is quo-warranto as the respondent No.4 and 5, after their appointment, have unlawfully increased the Tariff of the electricity produced in Thar Coal and Energy Board (TCEB) to an exorbitant figure hence, according to him, the said persons are illegally occupying the post of Member Tariff Committee.

The counsel is directed to satisfy the court with regard to the maintainability of the instant petition that whether the same has been filed on the ground that the respondents No.4 and 5 were appointed illegally and that they are illegally holding the office of Member Tariff Committee or that the petitioner is aggrieved with regard to the increase in Tariff of the electricity produced by Thar Coal. In response to this question, counsel for the petitioner replied that the petitioner is aggrieved with the increased Tariff rate.

We have heard the learned counsel at some length and have also perused the record.

From the contentions raised by the counsel before us it is clear that in fact the petitioner is aggrieved with the increase in the Tariff rate of the electricity produced by Thar Coal and under the garb of such aspect has challenged the very appointments of the respondents No.4 & 5. We are unable to understand that if the petitioner is aggrieved with the increase in Tariff rates, how the appointments of the respondents No.4 and 5 could be challenged. The counsel for the petitioner during the course of arguments has conceded before us that his grievance is in respect of the increase in Tariff rates as proposed by the respondents No.4 and 5 as the Member of the Committee. This petition, therefore, is found to be wholly

misconceived and not maintainable, as if the respondents No.4 and 5, by working as Member of the Tariff Committee, have proposed some increase in Tariff how their very appointments could be declared as illegal or that they are occupying the office illegally. The petition, thus, being misconceived and not maintainable, stands dismissed alongwith pending application(s), if any.

JUDGE

JUDGE