

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 5139 of 2023

Date	Order with Signature of Judge
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Fresh case :

1. For orders on CMA No.23561/2023 (Urgency) :
2. For orders on office objection No.01 & 11 :
3. For orders on CMA No.23562/2023 (Exemption) :
4. For orders on CMA No.23583/2023 (Stay) :
5. For hearing of main case :

24.10.2023 :

Mr. Adnan Ahmed, Advocate for the petitioner.

1. Urgency granted.

2-5. It is the case of the petitioner that the 440 KVA PMT installed by the respondent / K-Electric outside his premises was badly damaged on 30.09.2023 due to sudden high voltage supply whereafter his electricity supply was discontinued ; he was informed by K-Electric that he had to pay charges for repairs of PMT whereafter he received an electricity bill from K-Electric wherein an amount of Rs.1,594,859.00 was charged / claimed for repairing the PMT ; he made several applications against such illegal and unjustified demand ; instead of repairing the PMT, K-Electric removed the same and installed another used PMT ; he has been threatened by K-Electric that if the amount of the aforesaid bill is not paid by him, his electricity will be disconnected ; and, he filed a complaint on 20.10.2023 before NEPRA against K-Electric wherein notice was issued to K-Electric. In this background, the petitioner has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, praying that K-Electric be directed to not disconnect his electricity supply and to issue a fresh electricity bill for the units consumed only during the current month, and to direct K-Electric to not charge the disputed amount from him.

2. The petition, on the face of it, is misconceived and not maintainable as the petitioner has already availed his remedy by filing a complaint against K-Electric before NEPRA wherein notice has also been issued to K-Electric. Thus, without exhausting the remedy already availed by him, the extraordinary constitutional jurisdiction of this Court cannot be invoked by the petitioner under Article 199 of the Constitution. It may be noted that the petitioner has not

impleaded NEPRA in the present petition despite the fact that the complaint filed by him before NEPRA is still pending. In the above circumstances, the petition and listed applications are dismissed in *limine* with no order as to costs leaving the petitioner at liberty to pursue his remedy before NEPRA.

JUDGE

JUDGE

Shahbaz