

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-676 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner :	M/s Rainbow Hi-Tech Engineering Company through Mr. Aijaz Hussain Jatoi, Advocate.
Respondents:	No notice was issued.
Date of Hearing :	<u>02.05.2025</u>
Date of Decision :	<u>02.05.2025</u>

O R D E R

RIAZAT ALI SAHAR J: - Through this petitioner, the petitioner prays as under:-

- i) That, this Honourable Court may be pleased to direct the respondents No.2 to 4 to immediately correct and revise the impugned electricity bill for the month of April, 2025 by excluding the amount of Rs.3,727,015/- and Rs.876,945/- and issue correct bill containing only the genuine consumption and ensure that the above mentioned both the amounts must not be shown/imposed in the forthcoming electricity bills of the petitioner/company.*
- ii) That this Honourable Court may be also further be pleased to restrain the respondents No.2 to4 from the taking any coercive action against the petitioner / company in relation to the impugned bill till the final disposal of this petition.*
- iii) Awarded any other relief(s) deems fit, just and proper by this Honorable Court under the circumstances.*

2. Learned counsel for the petitioner contends that the petitioner is a Hi-tech Engineering Company operating under the name and style of M/s Rainbow Hi-Tech Engineering Company, having its office and operational business at Plot No. A-10-B, SITE Kotri, District Jamshoro, and is a lawful consumer of electricity from HESCO, regularly paying its electricity bills, fulfilling all statutory obligations and duly registered as an active taxpayer. He further contends that in April 2025, respondent No.1 arbitrarily and illegally issued an excessive electricity bill to the petitioner, imposing an additional amount of Rs. 3,737,015/- along with Rs. 876,945/- under the false pretext that the petitioner was not on the Active Taxpayer List (ATL) for the relevant period. He further contends that upon receiving the inflated bill, the petitioner immediately obtained and submitted a valid ATL certificate from the Federal Board of Revenue (FBR) confirming its active taxpayer status for the said month along with applications requesting correction of the bill; however, despite the submission of this certificate, respondent No.2 failed and refused to rectify the excessive and unjustified billing and continues to insist on recovery of the illegal charges, thereby causing grave financial loss, harassment, and hardship to the petitioner. He further contends that the act of the respondents is arbitrary, discriminatory, illegal, and without lawful authority. He further contends that the impugned action of respondent No.2 is in blatant disregard of the principles of natural justice and fair play as no show-cause notice or opportunity of hearing was provided before imposing such exorbitant and baseless charges. Learned counsel further contends that the petitioner, being a regular taxpayer with no history of default in electricity bill payments and whose name remains on the ATL, is entitled to immediate rectification of the bill by exclusion of the illegal amounts and prays for

appropriate relief against the arbitrary and unlawful conduct of the official respondents.

3. The subject matter of the petition pertains to an excessive electricity bill allegedly issued by HESCO, which the petitioner claims is arbitrary, unlawful, and based on incorrect assumptions regarding the petitioner's taxpayer status. However, under subsection (6) of Section 26 of the Electricity Act, 1910, the law specifically provides that in cases involving disputes relating to the correctness of electricity bills or any alleged illegality therein, the jurisdiction to adjudicate such matters lies with the Electric Inspector. This statutory mechanism is intended to serve as a specialized forum for resolving technical and billing disputes between electricity suppliers and consumers. It is, therefore, within the exclusive mandate and discretion of the Electric Inspector to examine and decide such issues, particularly where the aggrieved consumer raises factual controversies regarding the amount charged, the basis for additional billing or the accuracy of meter readings or account classification. In the instant case, the petitioner, being aggrieved by the allegedly excessive, inflated and unjustified billing imposed by HESCO was required under the statutory scheme to first approach the Electric Inspector for redressal and adjudication of the dispute. The failure to avail this efficacious remedy before invoking the constitutional jurisdiction of this Court raises questions regarding the maintainability of the petition, especially when no exceptional circumstances have been demonstrated to bypass the alternate forum provided by law.

4. In view of the above, instant petition is not maintainable, which is accordingly **dismissed in *limine*** along with pending applications. However, the petitioner is still at liberty to move such application before the Electric Inspector,

Hyderabad, in respect of such illegal excess bill of electricity, as alleged, where after, the Electric Inspector shall decide the issue as raised in the application, preferably within thirty [30] days after giving notice to the parties.

JUDGE

JUDGE

Abdullahchanna/PS