

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
Civil Revision No.193 of 2025
&
Civil Revision No.199 of 2025

Date	Order with signature of Judge
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12.02.2026

Mr. Muhammad Yahya Iqbal, Advocate for the Applicants in both Civil Revision Applications.

Mr. Shahbakhat Pirzada and Mr. Zahid Ai Sehto, Advocates for respondent Huaneng Shandong Ruyi [Pakistan]

Mr. Khalid Javed Khan, Advocate for respondent No.5 in CRA No.193 of 2025.

ARSHAD HUSSAIN KHAN, J.- Since both revision applications arise out of identical facts and involve the same questions of law, they are being disposed of through this consolidated order.

These Revisions Applications under Section 115 of the Civil Procedure Code, 1908, have been filed by the Applicants against the orders both dated 27.11.2025, passed by the Learned District & Sessions Judge, East, Karachi, in Civil Miscellaneous Appeals No. 91 & 92 of 2025 whereby the appellate court suspended the operation of an ad-interim status quo order dated 28.10.2025, granted by the learned senior civil Judge-III, Karachi East, in Civil Suit No. 11329 of 2025 and 11330 of 2025. The applicants seek restoration of the trial court's orders and appropriate directions in the interest of justice.

2. Briefly, the applicants/plaintiffs, claiming to be ordinary citizens of the country, instituted the underlying suits for declaration and permanent and mandatory injunction against NEPRA, Central Power Purchasing Agency Guarantee Limited, Huaneng Shandong Ruyi (Pakistan) Energy (Private) Limited [**HSR Energy**], and, in Civil Revision No.193 of 2025, also against M/s Awan Trading (Pvt.) Limited, alleging regulatory lapses in coal procurement for HSR Energy power plant at Sahiwal, Punjab. It was averred that NEPRA unlawfully permitted the default of a coal supplier to be passed on to electricity consumers, resulting in an additional financial burden. The applicants/plaintiffs sought interim restraint against disbursement of payments and procurement under the impugned arrangements. The trial court, vide orders dated 28.10.2025, granted ex-parte ad-interim status quo orders in both suits. Aggrieved by the said orders, respondent-HSR Energy challenged the trial court's ad-interim orders by filing Civil Miscellaneous Appeals before the learned District & Sessions Judge, East, seeking suspension thereof. The learned appellate court, vide impugned order dated 27.11.2025,

suspended the operation of the ad-interim orders passed by the trial court. The applicants have assailed the said orders through the present revision applications.

3. Learned counsel for the applicants has contended that the impugned order is illegal and without jurisdiction as the appellate court suspended an ex-parte ad-interim order passed by the trial court without issuing notice to the applicant and without recording reasons in violation of Order XLIII Rule 3, C.P.C. He has argued that the trial court exercised its discretion judiciously to safeguard public interest and prevent irreparable loss to electricity consumers, which could not have been interfered with in the absence of cogent justification. Reliance has been placed on the case law reported as 2006 SCMR 21, 2023 CLC 1198, 2021 YLR 1629.

4. Conversely, learned counsel appearing for respondent No.5, in CRA No.193 of 2025, supported the impugned order and submitted that the appellate court was competent to suspend the operation of the ad-interim order, as the same had serious financial and operational implications for the respondents and the power generation system. It is contended that the applicants lacked locus standi to institute the underlying suits and that an effective statutory remedy was available under the relevant regulatory framework for redressal of the alleged grievance. It is further contended that the learned trial court lacked territorial jurisdiction and, despite such defect, granted an ad-interim order without issuing notice to the affected parties and without properly examining the question of jurisdiction and the balance of convenience. In these circumstances, it is submitted that the learned appellate court rightly exercised its jurisdiction in suspending the ad-interim order pending decision of the appeal. He has relied upon the case law reported as 2018 YLR 2420, PLD 2020 Lahore 737, 2024 MLD 55, PLD 2022 SC 482 and an unreported judgment of this Court passed in C.P. No.D-476 of 2020 dated 23.08.2021.

5. Learned counsel for respondent-HSR Energy has expressly adopted the submissions advanced by learned counsel for respondent No.5, in CRA No.193 of 2025. He while supporting the impugned orders submitted that the appellate court was competent to exercise its jurisdiction as the continuation of the interim order could have serious financial and operational consequences. He has further contended that the applicants lacked locus standi to institute the suit, and that statutory and regulatory remedies were available to address such grievances, thereby justifying the appellate interference pending hearing of the appeals.

6. I have heard learned counsel for the parties, perused the record and the relevant case law.

It is well settled that while a trial court exercises discretion in granting interim relief, such discretion must be exercised judiciously, having due regard to the pleadings, available material, and the public or private interest involved. In the present case, the learned trial court granted ex parte ad-interim orders without hearing the other side and without adequately considering the potential financial and operational implications as well as the question of jurisdiction, which require proper adjudication. Similarly, the learned appellate court, while suspending the trial court's ad-interim orders without notice to the applicants, failed to afford them an opportunity of hearing. Such intervention prejudiced the applicants.

7. Having considered the totality of the matter, it appears that serious questions regarding jurisdiction and maintainability of the underlying suits have been raised. Since both parties are aggrieved by the ex parte ad-interim orders and the relevant applications are yet to be decided finally, it would not be appropriate for this Court to express any opinion on the merit of the cases at this stage.

Accordingly, the ad-interim orders passed in the aforesaid Civil Miscellaneous Appeals as well as in the underlying suits are hereby set aside. The matters are remanded to the learned trial court for decision of the injunction applications filed by the appellants/plaintiffs and the applications under Order VII Rule 11 CPC filed by the respondents/defendants, strictly in accordance with law, after affording fair opportunity of hearing to all concerned. The aforesaid applications shall be decided within a period of thirty (30) days from the date of receipt of this order. It is expected that none of the parties shall seek unnecessary adjournments and learned counsel for the parties shall also extend full cooperation to the learned trial court to ensure disposal within the stipulated time.

In the above terms, both Civil Revisions Application stand disposed of alongwith pending application(s).

JUDGE