

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

M.A. No.S-15 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of main case.

06-04-2026

Mr. Abdul Rasheed Abro, advocate for the appellant.

JAWAD AKBAR SARWANA, J:- Sui Southern Gas Company Limited (“SSGCL”) has challenged the order dated 26.11.2025 passed by the Gas Utility Court/District Court, Shaheed Benazirabad (“Gas Utility Court”). Counsel for the appellant/plaintiff, SSGCL, submits that the Company filed recovery suit No.15 of 2024 under Section 6 of the Gas (Theft Control and Recovery) Act, 2016 [hereinafter referred to as “GTCRA, 2016”] before the said Gas Utility Court. After hearing the parties the concerned Gas Utility Court dismissed the said suit on the point of limitation. He contends that although admittedly SSGCL filed the suit after almost four years from the SSGCL’s claim/demand yet the same was within the period of limitation based on interpretation of Section 20 of the GTCRA, 2016 which prescribes that the penalties imposed under sections 14 to 19 shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation which the offender may have incurred and no time bar shall apply in respect to either granting compensation or ordering recovery of arrears of dues of any kind or in respect to initiating proceedings in this regard. Hence, he argues that SSGCL’s Suit filed in the concerned Court was within time and the Company has now challenged the order dated 26.11.2025.

Heard counsel. It is apparent from a plain reading of Section 20 of the GTCRA, 2016, relied upon by appellant’s counsel, that the section deals with actions concerning payment of compensation and/or ordering recovery of arrears of dues of any kind, etc. alone. The section does not deal with the filing of a suit. The payment of compensation contemplated in Section 20 accrues after the

Court has either awarded and/or ordered compensation and/or recovery of arrears of dues. The present challenge of limitation which SSGCL had to confront before the Gas Utility Court was in connection with demand of recovery of dues under Section 6 and not under Section 20 of the GTCRA, 2016. The crystallization of compensation and/or ordering recovery of arrears of dues arises after passing through a process of determination. It is only after such determination, in the present case, an adjudication that grants compensation and/or orders arrears of dues that the compensation and/or accrues arrears of dues crystallizes under Section 20. Section 20 of the GTCRA, 2016 does not in itself crystallize either compensation and/or orders arrears of dues before the conclusion of proceedings under Section 6 of GTCRA, 2016. The “no time bar” feature only applies to compensation and/or arrears of dues payable arising out of proceedings under Section 6 and prior to it. In the present case, SSGCL has raised a demand in the year 2020 as per decision of Surveillance & Monitoring Department of SSGC dated 28.02.2020 and Claim Assessment Committee dated 30.04.2020. Such demand was found to be time barred by the Gas Utility Court. Section 20 of the GTCRA, 2016 cannot be read into section 6 of the GTCRA, 2016. Section 6 and Section 20 of the GTCRA, 2016 are separate provisions. Section 20 cannot come to the rescue of Section 6 proceedings. While the above conclusion reached by the Gas Utility Court on the point of limitation was correct; yet it may be clarified that the reference to Article 64-A of the Limitation Act, 1908 in the impugned order is misleading. The said Article concerns suit for recovery of debts; whereas claims filed under Section 6 of the GTCRA, 2016 while may be in the nature of recovery of debt but such claims are governed by a special statute i.e. the GTCRA, 2016. The GTCRA, 2016 does not find any mention in the Limitation Act, 1908. Hence the provisions of Article 64-A of the Limitation Act, 1908, do not apply in such case. As no period of limitation is prescribed for filing a suit under Section 6 of the GTCRA, 2016, the provisions of Article 181 of the Limitation Act, 1908 come into play. The omnibus, Article 181 of the Limitation Act, 1908, governs the period of limitation for claims filed under

Section 6 of the GTCRA, 2016 as no limitation period is provided under the special statute. Article 181 mandates that the right to apply accrues within three years from the date when such right accrues. Therefore, clearly, SSGCL's demand claimed under Section 6 of the GTCRA, 2016 in 2020 as mentioned above is/was hopelessly barred by time when SSGCL filed its suit in 2024.

For the reasons given above, as well as those articulated in the impugned order dated 26.11.2025, there is no reason for this bench to interfere in the impugned order dismissing SSGCL's suit. Accordingly, this Miscellaneous Appeal stands dismissed in the above terms.

J U D G E

Irfan Ali