

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI  
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. 3091 of 2016

30-6-16  
File  
Registrar (Writ)

1. Karamat Ali,  
Son of (Late) Amanat Ali,  
Muslim, Adult,  
Resident/office at 143-A, Sector X-5,  
Gulshan-e-Maymar,  
Karachi-75340
2. Nazim Fida Hussain Haji  
Son of Fida Hussain Haji,  
Muslim, Adult,  
Resident of House No. A-21/2-A,  
KDA Scheme 1A Extension,  
Stadium Road,  
Karachi
3. Mr. Jawad Ahmad,  
S/o Tauqeer Ahmad Sheikh,  
Through his duly appointed Attorney,  
Muslim, Adult,  
Resident of House No. 325,  
Block J1, Johar Town,  
Lahore
4. Pakistan Institute of Labour  
Education & Research,  
Registered as an Association under Section 42,  
Companies Ordinance, 1984,  
Through its authorized person,  
Having its registered office at PILER Centre,  
ST-001, Sector X, Sub-Sector V,  
Gulshan-e-Maymar,  
Karachi-75340
5. National Organization for Working  
Communities (NOW Communities).  
An Agency registered under the  
Voluntary Social Welfare Agencies  
(Registration & Control) Ordinance, 1961,  
Through its authorized person,  
Having its registered office at 1-D,  
First Floor, Westland Trade Centre, K.U.C.H.S.,  
Block 7/8, Near Baloch Colony,  
Shaheed-e-Millat Road, Karachi



6. Urban Resource Centre,  
A Society registered under the  
Societies Registration Act, 1860,  
Through its authorized person  
Having its registered office at  
A-2/2, 2<sup>nd</sup> Floor, Westland Trade Centre,  
Commercial Area, Shaheed-e-Millat,  
Karachi

7. Workers Education and Research Organization  
(WERO),  
An Agency registered under the  
Voluntary Social Welfare Agencies  
(Registration & Control) Ordinance, 1961,  
Through its authorized person  
Having its registered office at  
D-1, First Floor, West Land, Trade Centre,  
K.U.C.H.S., Block 7/8, Near Baloch Colony,  
Shaheed-e-Millat Road,  
Karachi.....

Petitioners

Versus

1. Federation of Pakistan,  
Through the Secretary,  
Ministry of Water and Power,  
Room No. 201-204, 2nd Floor,  
A Block Pak Secretariat, Islamabad

2. Province of Sindh  
Through the Chief Secretary,  
Government of Sindh,  
Sindh Secretariat,  
Karachi

3. Province of Sindh  
Through the Secretary,  
Energy Department,  
Government of Sindh,  
Sindh Secretariat,  
Karachi

4. National Electric Power Regularity Authority (NEPRA),  
An Authority established under  
the Act No. XL of 1997,  
Through its Chariman,  
Having Office at NEPRA Tower,  
Attaturk Avenue (East), Sector G-5/1,  
Islamabad

5. K-Electric Supply Company Limited (K-Electric),  
Through its Chief Executive Officer,  
Having office at Sunset Commercial Street #1, Karachi



6. The Commissioner,  
Commissioner Karachi Division,  
4-Club Road,  
Karachi.....

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AA67  
Respondents

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

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**ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-D-3891 of 2016

Date \_\_\_\_\_ Order with signature of Judge \_\_\_\_\_

Priority:

- 1) For order on CMA No.16378/17.
- 2) For order on CMA No.19274/16.
- 3) For hearing of main case.

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29.05.2017.

Mr. Faisal Siddiqui, Advocate for the petitioners.

Mr. Ashfaq Rafique Janjua, Assistant Attorney General for Pakistan for Respondent No.1.

Chaudhry Muhammad Rafique Rajorvi, A.A.G. Sindh for Respondents No.2, 3 and 6.

Mr. Kashif Hanif, Advocate for Respondent No.4.

M/s. Abid S. Zuberi and Ayan Memon, Advocates for Respondent No.5 alongwith Amir Zia, Head of Distribution, K-Electric and Muhammad Adil, Head of Transnission, K-Electric.

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Mr. Faisal Siddiqui at the inception preferred to rely upon portions of order passed by Respondent No.4 and to the earlier petitions filed by the present petitioners in this regard. However, he finally stated that he would be satisfied if this petition is disposed of by giving directions to the NEPRA Authorities (Respondent No.4), who are the Regulator of K-Electric Authorities (Respondent No.5), to get the order passed on show cause notice dated 24<sup>th</sup> July, 2015, issued to K-Electric, regarding load shading complied with by the K-Electric Authorities in letter and spirit.

Mr. Kashif Hanif, learned counsel for Respondent No.4 in the circumstances was called upon as to any impediment in implementation of their order, to which Mr. Kashif stated that NEPRA shall comply the subject order in accordance with law. He, however, expressed his reservation to the consequential and the probable elements which might crop up after disposal of this petition, which, however, at this point of time we are not required to consider.

M/s. Amir Zia, Head of Distribution and Muhammad Adil, Head of Transmission of K-Electric, in the circumstances were called upon for having any reservation in the implementation of the order of the NEPRA in its letter and spirit, to which they very frankly stated that being the Controller the orders of Respondent No.4 shall be complied with in accordance with law. Mr. Abid S. Zuberi, the learned counsel for Respondent No.5 in the circumstances preferred not to agitate any element of maintainability and locus standi of the petitioner as indicated by him earlier.

We, therefore, dispose of this petition by giving directions as under:

- 1) That the NEPRA Authorities, being regulator of the K-Electric, are directed to make sure that the instructions issued by it vide order on the above-noted show cause notice dated March 25, 2016 are being complied with by the K-Electric Authorities in its letter and spirit.
- 2) Needless to state that in case of non-compliance by the K-Electric Authorities, the NEPRA Authorities would be at liberty to take appropriate action in accordance with law against the K-Electric Authorities.

Petition stands disposed of in the above terms alongwith the listed

applications.



Sd/ Iqbal Saadat (Ch  
 July  
 Sd/ Mahmood A. Khan  
 July