



THE GAS (THEFT CONTROL AND RECOVERY) ACT, 2016



CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Constitution of Gas Utility Courts
4. Exclusive jurisdiction of Gas Utility Court
5. Powers of the Gas Utility Court
6. Procedure for complaints and suits for default before Gas Utility Courts
7. Leave to defend
8. Power to set aside decree
9. Disposal of suit
10. Execution of decree and sale with or without intervention of Gas Utility Court
11. Additional fines in lieu of gas consumed
12. Application of fines and costs
13. Appeal
14. Tampering with gas pipelines, etc
15. Tampering with auxiliary or distribution pipelines of gas
16. Tampering with gas meter by domestic consumer, etc

17. Tampering with gas meter by industrial or commercial consumer, etc
18. Damaging or destroying the transmission or transportation lines, etc
19. Penalty for maliciously wasting gas or injuring works
20. Penalties not to affect other liabilities
21. Penalty for offence not otherwise provided for and offences by bodies corporate
22. Suspension of supply of gas
23. Power to search in case of theft and suspected theft
24. Arrest for offence against certain sections
25. Reward
26. Recovery of sums recoverable under certain provisions of this Act
27. Charges for supply of gas recoverable as arrears of land revenue
28. Power to request assistance
29. Bar of jurisdiction
30. Power to make rules
31. Act to override other laws



THE PAKISTAN CODE

THE GAS (THEFT CONTROL AND RECOVERY) ACT, 2016

ACT No. XI OF 2016

[23rd March, 2016]

An Act to provide for prosecution of cases of gas theft and other offences relating to gas and to provide a procedure for recovery of amounts due

WHEREAS it is expedient to prosecute cases of gas theft and other offences relating to gas and to provide for a procedure for expeditious recovery of amounts due, value of gas, fines, penalties and other outstanding amounts payable and sums due to Gas Utility Companies and for matters ancillary and related thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Gas (Theft Control and Recovery) Act, 2016.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “auxiliary pipeline” includes all gas pipelines and fittings from the distribution lines to the property line of the consumer up to the outlet coupling of the gas meters;
- (b) “consumer” includes a person who receives a supply of gas under a gas sales agreement for the specific purpose of consumption and a premises that is connected to a gas pipeline for the purposes of obtaining supply of gas and includes a successor-in-interest and assignees of a consumer and also includes compressed natural gas (CNG) stations which receive gas for their own consumption or resale for vehicular use;
- (c) “distribution pipeline” includes a gas pipeline used for transportation of natural gas at a pressure not exceeding 300 Psig or such pressure as the Oil and Gas Regularity Authority may prescribe from time to time for transportation of gas downstream of the sales meter stations to the end consumers including all equipment installed on the distribution pipeline;
- (d) “domestic consumer” means a consumer who receives a supply of gas for domestic purposes;
- (e) “gas” includes natural gas, liquefied petroleum gas, air mix liquefied petroleum gas, liquefied natural gas, regasified liquefied natural gas and compressed natural gas;

- (f) “gas pipeline” means any recognized pipe or system or arrangement of pipes which transports gas and includes right of way/land strips, compressor stations, repeater stations and all equipment of any kind used for the purpose of or in connection with, or incidental to the operation of a pipeline in transporting, transmitting, distributing, supplying and handling gas;
- (g) “gas sales agreement” means an agreement executed between a Gas Utility Company and a consumer for sale and purchase of gas;
- (h) “Gas Utility Company” mean Sui Southern Gas Company Limited, Sui Northern Gas Pipelines Limited and such other companies, government agencies or persons licensed by the Authority, that the Oil and Gas Regularity Authority may, from time to time, determine and publish in the official Gazette;
- (i) “Gas Utility Court” means a Gas Utility Court established under section 3;
- (j) “informer” means any person who brings or provides specific information in writing to a Gas Utility Company regarding an offence under this Act;
- (k) “main pipeline” shall mean and include a transmission line with gas at a pressure of not less than 300 Psig or such pressure as the Oil and Gas Regularity Authority may prescribe from time to time used for transmission/transportation of gas from the gas fields to the various distribution centers upstream of the sales meter stations including the sales meter stations;
- (l) “meter” means an instrument that measures gas delivered to consumers for consumption;
- (m) “person” means any individual or a legal entity, authority, statutory body or government department and includes a partnership firm, company, group, trust, society, corporation, body or association of persons, a public servant or an employee of a Gas Utility Company;
- (n) “successor-in-interest” includes a person who either by inheritance or by transfer by way of sale, lease, mortgage, gift, exchange, assignment or other mode of transfer, happens to succeed to, acquire any share or interest in, benami or otherwise, the property or premises for which any charge for gas was or has become due, an ostensible owner of any such property or premises, but does not include a person who occupies such premises merely as a tenant;
- (o) “sums due” means any or all such amount, inclusive of applicable Government taxes, recoverable from a person who purchases or receives gas for self consumption or sale for vehicular use or a person whose premises is connected with the network of the Gas Utility Company, lawfully or unlawfully including but not limited to arrears of gas charges, meter rental, late payment surcharges or any other incidental charges for services including fixed and variable charges, gas theft claims determined in accordance with the Gas Utility Companies laid down procedures and any amount recoverable on account of any land dispute, rentals, damages, fines, penalties, violation charges and or on account of any other dispute;

- (p) “Sui Northern Gas Pipelines Limited” means the Sui Northern Gas Pipelines Limited, a public limited company incorporated under the Companies Ordinance, 1984 (XLVII of 1984);
- (q) “Sui Southern Gas Company Limited” means the Sui Southern Gas Company Limited, a public company incorporated under the Companies Ordinance, 1984 (XLVII of 1984);
- (r) “tampering” or “tamper” includes interfering or creating hindrance in flow or metering of gas power by unauthorized entry or access into metering system or transmission and distribution lines either by breaking the seals or damaging or destructing the same or in any manner interfering with the gas meter or transmission line or distribution line or interfering with its original condition; and
- (s) “unauthorized use of gas” includes the acts of receiving, consuming or providing a supply of gas from a pipeline or a meter of a Gas Utility Company other than that contracted for by any person, the unauthorized receipt of more gas than is registered by the meter or other measurement device, tampering to increase metering pressure, unauthorized enhancement of gas loads other than contracted for, consuming gas through bypassing of a meter or other measurement device and gas usage by direct tapping to the gas supply of a Gas Utility Company.

(2) Words used and not defined in this Act shall carry the same meaning as are assigned to them in the Oil and Gas Regulatory Authority Ordinance, 2002 (XVII of 2002).

3. Constitution of Gas Utility Courts.—(1) The ¹[Federal Minister-in-Charge Law and Justice Division] may, in consultation with Chief Justice of the High Court concerned, and by notification in the official Gazette, establish as many Gas Utility Courts in a district as ¹[he] may deem necessary for the purposes of this Act and appoint a Judge for each of such Courts from amongst the District and Sessions Judges in that district.

Explanation.— For the purpose of this sub-section, District and Sessions Judge includes Additional District and Sessions Judge.

(2) Where more Gas Utility Courts than one have been established to exercise jurisdiction in the same territorial limits the ¹[Federal Minister-in-Charge Law and Justice Division] shall define the territorial limits of each such court.

(3) Where more Gas Utility Courts than one have been established in the same or different territorial limits, the High Court may, if it considers it expedient to do so in the interests of justice or for the convenience of parties or of the witnesses, transfer any case from one Gas Utility Court to another.

4. Exclusive jurisdiction of Gas Utility Court.— (1) A Gas Utility Court shall have exclusive jurisdiction with respect to all matters covered by this Act.

¹Subs. by Act LIX of 2023, s.2.

(2) The Court having jurisdiction under this Act shall be a Gas Utility Court having jurisdiction in the place in which the Gas Utility Company, consumer, gas producer or offender, as the case may be, is situated.

5. Powers of the Gas Utility Court.—(1) Subject to the provisions of this Act, a Gas Utility Court shall,—

- (a) in the exercise of its civil jurisdiction have all the powers vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908); and
- (b) in the exercise of its criminal jurisdiction, try offences punishable under this Act and shall for this purpose have the same powers as are vested in a Court of Sessions under the Code of Criminal Procedure, 1898 (Act V of 1898).

(2) Notwithstanding anything to the contrary contained in this Act, a Gas Utility Court shall not take cognizance of any offence punishable under this Act except upon a complaint made in writing by a person authorized in this behalf by a Gas Utility Company in respect of which the offence was committed.

(3) A Gas Utility Court shall in all matters with respect to which the procedure has not been provided for in this Act, follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908) and the Code of Criminal Procedure, 1898 (Act V of 1898).

(4) All proceedings before a Gas Utility Court shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and a Gas Utility Court shall be deemed to be a Court for the purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) Subject to sub-section (6), no court or authority shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of a Gas Utility Court extends under this Act.

(6) Nothing in sub-section (5) shall be deemed to affect.—

- (a) the right of a Gas Utility Company and a gas consumer to seek any remedy before any other court, tribunal or forum including official liquidator or receiver that may otherwise be available to it under the law; or
- (b) the powers of the Gas Utility Company, or jurisdiction of any Gas Utility Court as is referred to in clause (a) to require the transfer to a Gas Utility Court of any proceedings pending before any such court immediately before the coming into force of this Act.

(7) All proceedings pending in any other court, including suits for recovery, shall stand transferred to, or be deemed to be transferred to, and heard and disposed of by the Gas Utility Court having jurisdiction under this Act on transfer of proceedings under this sub-section, the parties shall appear before the Gas Utility Court concerned on the date previously fixed.

(8) In respect of proceedings transferred to a Gas Utility Court under sub-section (7), the Gas Utility Court shall proceed from the stage which the proceedings had reached immediately prior to the

transfer and shall not recall and re-hear any witness and may act on the evidence already recorded or produced before the court from which the proceedings were transferred.

(9) The Gas Utility Court may, if it so requires, be assisted in technical aspects of the natural gas sector involved in any case by an *amicus curiae* who has at least ten years experience in the relevant field.

(10) Remuneration of the *amicus curiae*, and the party or parties by whom it will be payable will be determined by the Gas Utility Court keeping in view the circumstances of each case.

6. Procedure for complaints and suits for default before Gas Utility Courts.—(1) Where a person is involved in an offence under this Act or where there are sums due or recoverable from any person, or where a consumer has a dispute regarding billing or metering against a Gas Utility Company, a consumer or Gas Utility Company, as the case may be, may file a complaint or suit, as the case may be, before a Gas Utility Court as prescribed by the Code of Civil Procedure, 1908 (Act V of 1908) or the Code of Criminal Procedure, 1898 (Act V of 1898).

(2) The plaint shall be supported by a gas sales agreement or gas bill or such other documentation that evidences such contract or obligation. Copies of the plaint, statement of dues and other relevant documents shall be filed with the Gas Utility Court in sufficient numbers so that there is one set of copies for each defendant and one extra copy.

(3) The plaint, in the case of a suit for recovery instituted by a Gas Utility Company, shall specifically state.—

- (a) the quantity of gas consumed or extracted by the defendant from the Gas Utility Company;
- (b) the amounts, if any, paid by the defendant to the Gas Utility Company and the dates of payment; and
- (c) the total dues relating to the supply, consumption or extraction of gas and all other dues by the defendant to the Gas Utility Company up to the date of institution of the suit.

(4) On a plaint being presented to the Gas Utility Court, a summons in Form No.4 in Appendix 'B' to the Code of Civil Procedure, 1908 (Act V of 1908) or in such other form as may, from time to time, be prescribed by rules, shall be served on the defendant through the bailiff or process server of the Gas Utility Court, by registered post acknowledgement due, by courier and by publication in one English language and one Urdu language daily newspaper, and service of summons duly effected in any one of the aforesaid modes shall be deemed to be valid service for purposes of this Act. In the case of service of the summons through the bailiff or process server, a copy of the plaint shall be attached therewith and in all other cases the defendant shall be entitled to obtain a copy of the plaint from the office of the Gas Utility Court without making a written application but against due acknowledgement. The Gas Utility Court shall ensure that the publication of summons takes place in newspapers with a wide circulation within its territorial limits.

7. Leave to defend.—(1) In any case in which the summons has been served on the defendant, the defendant shall not be entitled to defend the suit unless he obtains leave from the Gas Utility Court as hereinafter provided to defend the same and in default of his doing so, the allegations of fact in the plaint shall be deemed to be admitted and the Gas Utility Court may pass a decree in favour of the

plaintiff on the basis thereof or such other material as the Gas Utility Court may require in the interests of justice.

(2) The defendant shall file the application for leave to defend within twenty-one days of the date of first service, provided that where service has been validly effected only through publication in the newspapers, the Gas Utility Court may extend the time for filing an application for leave to defend if satisfied that the defendant did not have knowledge thereof.

(3) The application for leave to defend shall be in the form of a written statement, and shall contain a summary of the substantial questions of law as well as fact in respect of which, in the opinion of the defendant, evidence needs to be recorded.

(4) The application for leave to defend shall also specifically state the following, where applicable,—

- (a) the amount of gas supplied by the Gas Utility Company and consumed by the defendant, the amount paid by the defendant to the Gas Utility Company for such consumption and the dates of payments up to the date of institution of the suit;
- (b) the amount of outstanding dues and other amounts relating to the supply and consumption of gas by the defendant to the Gas Utility Company up to the date of institution of the suit;
- (c) the amount, if any, which the defendant disputes as payable to the Gas Utility Company and fact in support thereof;
- (d) a statement specifically admitting or denying the documents relied upon in the plaint.

(5) The application for leave to defend shall be accompanied by all the documents which in the opinion of the defendant, support the substantial questions of law or fact raised by him.

(6) An application for leave to defend which does not comply with the requirements of sub-sections (3), (4) and, where applicable, sub-section (5) shall be rejected, unless the defendant discloses therein sufficient cause for his inability to comply with any such requirement.

(7) The plaintiff shall be given an opportunity of filing a reply to the application for leave to defend in the form of a replication and such replication shall also specifically accept or deny any documents relied upon in the application for leave to defend.

(8) The Gas Utility Court shall grant the defendant leave to defend the suit if, on consideration of the contents of the plaint, the application for leave to defend and the reply thereto, it is of the view that substantial questions of law or fact have been raised in respect of which evidence needs to be recorded.

(9) In granting leave under sub-section (8), the Gas Utility Court may impose such conditions as it may deem appropriate in the circumstances of the case, including conditions as to deposit of cash or furnishing of security.

(10) Where the application for leave to defend is accepted, the Gas Utility Court shall treat the application as a written statement, and in its order granting leave shall frame issues relating to the substantial questions of law or fact and subject to fulfillment of any conditions attached to grant of leave fix a date for recording of evidence thereon and disposal of the suit.

(11) Where leave to defend is granted and evidence is to be recorded, the parties may file affidavits in respect of the examination-in-chief of any witness and where such affidavits are filed, the Gas Utility Court shall give notice thereof to the other contesting parties and on the date fixed for recording evidence shall, subject to such modification as may be required for purposes of production and exhibiting of documents or otherwise in accordance with law, treat the affidavit as examination-in-chief and allow the contesting parties an opportunity for cross examination on the basis thereof.

(12) Where the application for leave to defend is rejected or where a defendant fails to fulfill the conditions attached to the grant of leave to defend, the Gas Utility Court shall forthwith proceed to pass judgment and decree in favour of the plaintiff against the defendant.

8. Power to set aside decree. In any case in which a decree is passed against a defendant under sub-section (1) of section 7, he may, within thirty days of the date of the decree, or where the summons was not duly served when he has knowledge of the decree, apply to the Gas Utility Court for an order to set it aside, and if he satisfies the Gas Utility Court that he was prevented by sufficient cause from making an application under section 7, or that the summons was not duly served, the Gas Utility Court shall make an order setting aside the decree against him upon such terms as to costs, deposit in cash or furnishing of security or otherwise as it thinks fit and allow him to make the application within ten days of the order.

9. Disposal of suit.—(1) A suit in which leave to defend has been granted to the defendant shall be disposed of within ninety days from the day on which leave was granted, and in case proceedings continue beyond the said period the defendant may be required to furnish security in such amount as the Gas Utility Court deems fit, and on the failure of the defendant to furnish such security, the Gas Utility Court shall pass a final decree in such amount as it may deem appropriate.

(2) The requirement of furnishing security under sub-section (1) shall be dispensed with if, in the opinion of the Gas Utility Court, the delay is not attributable to the conduct of the defendant.

(3) Suits before a Gas Utility Court shall come up for regular hearing as expeditiously as possible and except in extraordinary circumstances and for reasons to be recorded, a Gas Utility Court shall not allow adjournments of more than seven days.

(4) Where the Gas Utility Court is satisfied that any proceedings brought before it is frivolous or vexatious, the Gas Utility Court may direct that compensation not exceeding one million rupees be paid to the party against whom such frivolous or vexatious proceedings were brought.

10. Execution of decree and sale with or without intervention of Gas Utility Court.—(1) Upon pronouncement of judgment and decree by a Gas Utility Court, the suit shall automatically stand converted into execution proceedings without the need to file a separate application and no fresh notice need be issued to the judgment debtor in this regard. Particulars of the assets of the judgment debtor shall be filed by the decree-holder for consideration of the Gas Utility Court and the case shall be heard by the Gas Utility Court for execution of its decree on the expiry of thirty days from the date of pronouncement of judgment and decree, provided that if the record of the suit is summoned at any

stage by the High Court for purposes of hearing an appeal under section 13 or otherwise, copies of the decree and other property documents shall be retained by the Gas Utility Court for purposes of continuing the execution proceedings.

(2) The decree of the Gas Utility Court shall be executed in accordance with the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) or any other law for the time being in force or in such manner as the Gas Utility Court may at the request of the decree-holder consider appropriate, including recovery as arrears of land revenue.

(3) The Gas Utility Court and the Gas Utility Company shall be entitled to seek the services and assistance of the police or security agency in the exercise of powers conferred by this section.

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Act V of 1908) or any other law for the time being in force, the Gas Utility Court shall follow the summary procedure for purposes of investigation of claims and objections in respect of attachment or sale of any property and shall complete such process within thirty days of filing of the claims or objections.

11. Additional fines in lieu of gas consumed.—Where an accused has been convicted of an offence under this Act and the Gas Utility Court is satisfied that as a result of the commission of the offence gas has been stolen or pilfered from a Gas Utility Company, the Gas Utility Court may order the offender to pay, in addition to the fines under this Act, further additional amounts on account of the value of gas stolen or pilfered as deemed commensurate with the amount of the monetary benefits accrued to the offender.

12. Application of fines and costs.—(1) A Gas Utility Court may direct that the whole or part of any fine, security or costs imposed under this Act shall be applied in or towards,—

- (a) payment of costs of all or any proceedings under this Act; and
- (b) payment of compensation to an aggrieved party.

(2) An order under sub-section (1) shall be deemed to be a decree passed under this Act for purposes of execution.

13. Appeal.—(1) Any person aggrieved by any judgment, decree, sentence or final order passed by a Gas Utility Court may, within thirty days of such judgment, decree, sentence or final order, prefer an appeal to the High Court.

(2) The appellant shall give notice of the filing of the appeal by means of registered post with acknowledgement due or by courier in accordance with the provisions of Order XLIII, rule 3 of the Code of Civil Procedure, 1908 (Act V of 1908) to the respondent who may appear before the High Court to contest admission of the appeal on the date fixed for hearing.

(3) The High Court shall at the stage of admission of the appeal, or at any time thereafter either *suo motu* or on the application of the decree-holder, decide by means of a reasoned order whether the appeal is to be admitted in part or in whole depending on the facts and circumstances of the case, and as to the security to be furnished by the appellant:

Provided that the admission of the appeal shall not *per se* operate as a stay, and nor shall any stay be granted therein unless the decree-holder has been given an opportunity of being heard and

unless the appellant, whether appellant is Gas Utility Company or gas consumer, deposits in cash with the High Court an amount equivalent to the decretal amount inclusive of costs and in the event of a stay being granted for a part of the decretal amount only, the requirement for a deposit in cash or furnishing of security shall stand reduced accordingly.

(4) In case an appeal under sub-section (1) is admitted, it shall be decided within ninety days from the date of admission.

(5) An appeal may be preferred under this section from a decree passed *ex parte*.

(6) No appeal, review or revision shall lie against an order accepting or rejecting an application for leave to defend, or any interlocutory order of the Gas Utility Court which does not dispose of the entire case before the Gas Utility Court.

(7) Any order for stay of execution of a decree shall automatically lapse on the expiry of six months from the date of the order whereupon the amount deposited in Court shall be paid over to the decree-holder or the decree-holder may enforce the security furnished by the judgment-debtor.

14. Tampering with gas pipelines, etc.—(1) Any person who willfully does tampering or attempts to do tampering or abets in tampering with a facility, installation or main pipeline for transmission or transportation, as the case may be, of gas, is said to commit tampering with gas pipelines.

(2) Any person who commits or abets in tampering with gas pipelines for the purpose of—

- (a) theft of gas; or
- (b) disrupting supply of gas,

shall be punished with rigorous imprisonment which may extend to fourteen years but shall not be less than seven years and with fine which may extend to ten million rupees.

15. Tampering with auxiliary or distribution pipelines of gas.—(1) Any person who willfully does tampering or attempts to do tampering or abets in tampering with any auxiliary or distribution pipeline of gas not being a main transmission and transportation pipeline but includes a distribution system, distribution pipeline or any other related system and equipment, as the case may be, of gas is said to commit tampering with auxiliary or distribution pipelines of gas.

(2) Any person who commits or abets in tampering with auxiliary or distribution pipelines of gas for the purpose of—

- (a) theft of gas; or
- (b) disrupting supply of gas,

shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than five years and with fine which may extend to three million rupees.

16. Tampering with gas meter by domestic consumer, etc.—Any person being the domestic consumer who does tampering or abets in tampering with any gas meter, regulator, meter index or gas

connection or any other related system and equipment, whether to commit theft of gas or for the purpose of unauthorized distribution or supply of gas shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred thousand rupees, or with both.

17. Tampering with gas meter by industrial or commercial consumer, etc.—Any person, being industrial or commercial consumer, who does tampering or abets in tampering with any gas meter, regulator, meter index or gas connection or any other related system and equipment, whether to commit theft of gas or for the purpose of unauthorized distribution or supply of gas shall be punished with imprisonment which may extend to ten years but shall not be less than five years, or with fine which may extend to five million rupees, or with both.

18. Damaging or destroying the transmission or transportation lines, etc.—Any person who damages or destroys any transmission or transportation lines by an act of subversion by explosive material or in any other manner so as to disrupt the supply of gas shall be punished with rigorous imprisonment which may extend to fourteen years but shall not be less than seven years and with fine which shall not be less than one million rupees.

19. Penalty for maliciously wasting gas or injuring works.—Whoever maliciously causes gas to be diverted or, with intent to cut off the supply of gas, cuts or injures or attempts to cut or injure any pipeline or works shall be punishable with imprisonment for a term which may extend to seven years or with a fine which may extend to five million rupees, or with both.

20. Penalties not to affect other liabilities.—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.

21. Penalty for offence not otherwise provided for and offences by bodies corporate.—(1) Whoever, in any case not provided for by sections 14 to 19, commits an offence or makes default in complying with any of the provisions of this Act shall be punishable with fine which may extend to five million rupees and, in the case of a continuing default, with a daily fine which may extend to one hundred thousand rupees.

(2) Where an offence under this Act has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner in the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that—

- (a) the offence was committed without his consent or connivance; or
- (b) he has exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

22. Suspension of supply of gas.—The supply of gas to any person found guilty and convicted by a Gas Utility Court of any offence mentioned in sections 14 to 19 shall remain suspended by the Gas Utility Company for a period of one year:

Provided that the Gas Utility Court may direct an earlier resumption of the gas supply.

23. Power to search in case of theft and suspected theft.—Notwithstanding anything contained in any other law for the time being in force, any officer or employee of a Gas Utility Company not below BPS 17 or equivalent authorized, in this behalf by the Gas Utility Company, may search any premises where gas is supplied or consumed in a manner that is or may constitute an offence under this Act.

24. Arrest for offence against certain sections.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) all offences under this Act if committed by any person other than a domestic consumer shall be cognizable and non-bailable.

25. Reward.—(1) A Gas Utility Company shall, on receipt of information provided to it in writing by an informer, conduct an inquiry thereon within a period of fifteen days.

(2) A Gas Utility Company shall on recovery of any outstanding amount or sums due as a result of information provided to it in writing by an informer, pay a reward to such informer as provided in sub-section (3):

Provided that the informer shall not be entitled to receive any reward if such information does not result in any recovery by a Gas Utility Company:

Provided further that the reward shall not be applicable to any fine, security or costs imposed under section 12.

(3) The amount of reward to a person who gives information to a Gas Utility Company under sub-section (1) shall be five percent of any recovered amount.

26. Recovery of sums recoverable under certain provisions of this Act.—Every sum declared to be recoverable under this Act may be recovered in accordance with the prevailing policy of the Gas Utility Company, on application to a Gas Utility Court, having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable or immovable property belonging to such person.

27. Charges for supply of gas recoverable as arrears of land revenue.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any instrument or agreement, the charges for supply of gas or any other sum outstanding against a consumer or any other person under this Act shall be recoverable as an arrears of land revenue.

(2) A Gas Utility Company or any person duly authorised by the Gas Utility Company may apply, with a certificate showing the amount outstanding against a consumer, to the District Collector of the district concerned for the recovery of the said amount and the District Collector shall thereupon proceed to recover the same from such consumer or his sureties or from all of them as an arrears of land revenue and, for the purposes of recovery under this section, the officer authorized to effect such recovery shall be vested with magisterial powers under the Code of Criminal Procedure, 1898 (Act V of 1898).

28. Power to request assistance.—A Gas Utility Company shall have the power to seek information from or the assistance of any Ministry, Division or agency of the Federal Government,

any department or agency of a Provincial Government, local authority, financial institution, political agent, law enforcement agency, including the police and the Federal Investigating Agency, paramilitary forces, levies, land revenue officials, including patwaris or mukhtarkar, and the Securities and Exchange Commission of Pakistan and it shall be the duty of such Ministry, Division, department, agency, local authority, financial institution, law enforcement agency and Security and Exchange Commission of Pakistan to furnish such information or render such assistance, including but not limited to, removal of encroachments, as may reasonably be required.

29. Bar of jurisdiction.—(1) Notwithstanding any other law for the time being in force, no Gas Utility Court shall make an order prohibiting the Gas Utility Company from disconnecting the supply of gas to a premises or requiring it to restore supply of gas to such premises if the consumer is in default and any such order made before the commencement of this Act shall cease to have effect:

Provided that nothing contained herein shall apply to a case in which the plaintiff, applicant or appellant, within a period of thirty days of the aforesaid date or at the time of filing the suit, application or appeal, as the case may be, deposits with the Gas Utility Court the amount assessed against him by the Gas Utility Company and all further charges of the Gas Utility Company as and when they become due and in the event of his failing to do so, any order prohibiting the Gas Utility Company from discontinuing the supply of gas to the premises or requiring it to restore the supply of gas to the premises, if already made, shall cease to have effect.

(2) Where an amount has been deposited under sub-section (1), the Gas Utility Court shall direct it to be deposited in a scheduled bank in the name of the Gas Utility Company on an undertaking being furnished by the Gas Utility Company to the effect that in case the suit or appeal is decided against it, it shall repay the said amount to the plaintiff or appellant, as the case may be, with such reasonable return as the Gas Utility Court may determine.

30. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

31. Act to override other laws.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

THE PAKISTAN CODE