

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ  
Mr. Justice Jawwad S. Khawaja  
Mr. Justice Sh. Azmat Saeed

**CIVIL APPEALS NO.149 AND 150 OF 2010.**

(On appeal from the judgment of the High  
Court of Sindh, Karachi, dated 07.05.2008  
passed in CP No.D-442 of 2007)

Habibullah Energy Limited.

Zonal Labour Union Lakhra and others.                      ... Appellants.

Versus

WAPDA through its Chairman and others.

Federation of Pakistan through Secretary M/o W&P and others.

... Respondents.

For the Appellants (s)                      : Miangul Hassan Aurangzeb, ASC  
Mr. Arshad Ali Ch., AOR  
(in CA.149/2010)

Mr. Tariq Mehmood, Sr. ASC  
(in CA.150/2010)

On Court's Notice                      : Mr. Shah Khawar, Addl. AGP

For Chairman, WAPDA &                      : Mr. Shahid Hamid, Sr. ASC  
Lakhra Power Generation

For M/o W&P                      : Raja Abdul Ghafoor, ASC/AOR  
Mr. Saifullah Chatha, Secy., W&P  
Mr. Zargham Ishaq, MD, PEPCO

For Privatization                      : Barrister Asghar Ali, Sr. Legal Consultant

Commission	Mr. Abdul Haseeb Khan, Sr. Legal Consultant
For NEPRA	: Kh. Muhammad Naeem, Chairman
For Associated Lakhra Energy	: Mr. Wasim Sajjad, Sr. ASC Mr. Mehr Khan Malik, AOR
Date of Hearing	: 19-21.08.2013.

### **ORDER**

**IFTIKHAR MUHAMMAD CHAUDHRY, CJ.-** We have heard the learned counsel for the parties at length and have examined the pleadings/documents placed before us for ascertaining as to whether transaction between the parties i.e. the Lease for 20-years in respect of Lakhra Power Station GENCO-IV, dated 11.09.2006, followed by Power Purchase Agreement dated 15.12.2007 had been entered into in a transparent manner following the PEPPRA Rules and allowing open opportunity to interested parties to participate in the competition for acquiring the said Leasehold Rights.

2. The conclusion is that the transaction noted herein above between M/s. Associated Group (AG) and the Water and Power Development Authority (WAPDA) is not sustainable being non-transparent and also suffers from irregularities, illegalities, omissions and commissions as well as violates the relevant Rules

as well as precedents set-forth by the superior Courts.

3. Therefore, while setting aside the transaction noted herein above, we direct the Federal Government of Pakistan to conduct an inquiry/probe to fix the civil and criminal liability upon the persons/beneficiaries, etc in accordance with the law as a result of above conclusion.

4. For the reasons to be recorded later, both the appeals are allowed with costs throughout.

Chief Justice

Judge

Islamabad  
21.08.2013.

Judge

‘NOT APPROVED FOR REPORTING’

Mahtab/\*