

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 163 of 2022

Amir Raza

Versus

FIA, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	08.03.2022	Mr. Zufran Abbas Ch., Advocate for petitioner. Mr. Muhammad Khalid Zaman, Advocate for respondent. Syed Nazar Hussain Shah, AAG. Rana Shahid Habib, Assistant Director, FIA.

A writ of mandamus has been prayed for by the petitioner (Consumer of respondents 3 & 4 IESCO) to direct the respondents to reinstall Meter, at the place from where it had been removed by the Officials of FIA (Respondents 1 & 2)

2. In response to notice, respondent IESCO and FIA tendered separate written response, wherein, the learned AAG while arguing the matter on behalf of the respondent No. 1 & 2 stated that since an officer of the respondent No. 3 & 4 Muhammad Abbas LS-I, IESCO sub Division Nilore Islamabad lodged a complaint to the Director FIA, Islamabad Zone which was registered vide Diary No. 398421 dated 02.12.2021, with the allegations, that a marble factory owned by petitioner on Lethrar Road, Islamabad is running without transformer and also using excess load. This act of the petitioner in connivance with the officials of the IESCO is causing huge loss to the Govt. exchequer.

3. Owing to the said report on 07.12.2021, the Anti-Theft Unit FIA, Electricity with the help of the technical team of IESCO conducted a raid on the premises/factory of the petitioner. The calculated load being used by the factory was 17KW whereas the sanctioned load was 5 KW, whereupon, the meter of the petitioner was disconnected by the IESCO officials and handed over to the FIA team, who took the same in possession through inventory memo, whereafter, an inquiry No. 235/2021 was registered and report was sought from the

Electric Inspector Energy Department Islamabad. Whereafter, FIR No. 18/2021 was registered against the petitioner and the officials of IESCO.

4. The learned counsel for respondent no. 3 & 4 stated that the petitioner was provided with a single phase Electricity Meter, afterwards, the petitioner applied for extension of load in the month of July, 2021 and his application for extension of load was processed, the learned counsel further stated that the consumer is being issued electricity bill as per his consumption and as per report of the deputy manager (P & E) IESCO Headquarter, the consumer has paid the legitimate dues of electricity bill and no loss has been sustained by the IESCO, however, the connection has to be regularized before reconnection.

5. The position emerged is that an FIR bearing No. 18 of 2022 stood registered against accused persons namely Sohail Noor (owner of marble factory), Zafar Shah, Zafar Iqbal LS and Aamir Yasir, SDO of the Sub Division. The episode thus is subject of those proceedings, initiated not only against private individual but also against officials of IESCO i.e. Line Superintendent and Sub-Divisional Officer of the concerned Sub Division. As per report of the FIA, it was a joint action wherein the officials of Technical Team of Planning Division IESCO, Head Office Islamabad handed over the meter to the officials of FIA which was taken in possession through an inventory. Thus, any meddling would amount to hinder the process of investigation, and halt the due process which is not permissible by invoking jurisdiction in terms of Article 199 of the Constitution.

6. Proper course for the petitioner is to avail alternate efficacious remedy provided to him under the law, if so advised before appropriate forum in due course. **Deposed of** accordingly.

(ARBAB MUHAMMAD TAHIR)
JUDGE