

Form No: HCJD/C-121  
ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
JUDICIAL DEPARTMENT

W.P. No. 3481/2011

**M/s Askari Cement Nizampur.**

**Vs.**

**Government of Pakistan, etc.**

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.04.2022	Malik Qamar Afzal, Advocate for petitioner. M/s. Asif Khan, Nouman Munir Paracha, Syed Ashfaq Hussain Naqvi & Dr. Farhat Zafar, Advocates for respondents. Syed Nazar Hussain Shah, AAG.

Through the instant writ petition, the petitioner had assailed the levy of EQ charges on the consumption of electricity, through SRO No. 240 (1) 2011 dated 15.03.2011 and SRO No. 367 (1) 2011 dated 06.05.2011.

2. It has been further prayed that the impugned notification dated 15.03.2011 for imposition of surcharge on the consumption of electricity be declared null and void and the respondents be restrained from the effecting recovery of any amount as surcharge/EQ surcharge on the consumption of electricity; that the respondent be directed to refund or adjust in future electricity bill, the amount so far received or recovered surcharge on the electricity on the basis of impugned notification dated 15.03.2011.

3. The learned counsel for the respondent placed on record the order dated 09.07.2015 passed by Hon'ble Apex Court in CMA No. 3877, 3880 & 3881 of 2015 in Civil Petition No. 1496 to 1501 of 2015, wherein the respondent department had assailed the orders dated 29.05.2015 passed by the Hon'ble Lahore High Court, Lahore in writ petition No. 31463/2014, 1676/2015, 33540/2014, 34068/2014, 18501/2009 and 33323/2014, wherein it has been graciously held as under;-

*"By the impugned judgment, the Division Bench of the High Court while reversing the judgment of the Judge in Chambers had allowed the appeals filed by the present applicants and had struck down the imposition of the levies impugned in the writ petitions filed before the High Court. The Division Bench had also ordered*

*refund of the amount so recovered from the appellants before it, whereas the Judge-in-Chambers while dismissing the writ petitions filed by the applicants had passed the following order;*

*"Consequently, I see no merits in these petitions which are accordingly dismissed with the observations that the amount due on payment of impugned surcharge, if any, against the petitioners due to restraint order issued by this Court during pendency of these petitions shall be recovered by the Government in twelve equal monthly installments."*

*The learned counsel appearing for the applicants submits that the entire arrears of the amount which remained suspended till the pendency of the writ petitions before the Judge in Chambers is now being recovered under the threat of disconnection of the power. It was therefore, prayed that the recovery of the said amount may not be effected till the disposal of the appeals. The learned Attorney General for Pakistan states that there is no dispute regarding the amounts to be recovered, which is essential for the purpose of payment to the producers of electricity in connection with circular debts. However, he candidly agreed that let the payment be made in installments in accordance with the judgment of the Judge-in-Chambers of the High Court. This is a reasonable proposal; the recovery of the arrears shall be made in accordance with the judgment passed by the Judge in Chambers reproduced above. It may be clarified that the arrears shall be calculated upto the date of the impugned judgment. Needless to add that the consumers shall pay their current bills."*

4. Keeping in view, the above aspect of the matter, the learned counsel for the petitioner does not want to press the instant writ petition, as such; the writ petition has become infructuous.
5. In view of above, petition is **disposed of** accordingly.

(ARBAB MUHAMMAD TAHIR)  
JUDGE

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