

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT

Criminal Appeal No. 81 of 2015

Kashif Zubair Ahmad

Versus

Sub Division Officer, etc.

Appellant's by : Appellant in person.

Respondent's by : Mr. Muhammad Asif Khan,
Advocate.

Date of Hearing : 18.09.2019

AAMER FAROOQ, J. - This appeal is directed against order dated 25.03.2015, whereby the complaint filed by the appellant was dismissed by the authority.

2. The facts, in brief, are that a complaint was filed by the appellant, wherein it was alleged that various meters were to be installed at the premises of the appellant and for that Respondents have demanded the sum over and above the prescribed fee/price in the form of bribe, hence action be taken against them.

3. Appellant, in person, submitted that the matter fell within the jurisdiction of the authority and the same should have been decided on merit. It was contended that the instant case is an example of high handedness of respondent authority by demanding excessive fee for installation of meters.

4. Learned counsel for the respondent, inter alia, contended that the appellant has no locus standi to file the application inasmuch as the meter had not been installed permanently. Reliance was placed on case reported as "**Chief Executive, FESCO, Faisalabad vs. Nayab Hussain**" (PLD 2010 Lahore 95). It was also contended that since the relevant respondent is SDO for the area of Taxila, hence matter did not fall within jurisdiction of the authority.

5. Arguments advanced by the learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The complaint was filed by the appellant against the demand notice issued by the respondent. It is categorically mentioned in the demand notice that Rs. 4000/- is principle amount and Rs. 50,000/- is being charged as security. The demand notice was required to be paid in the bank account maintained by the IESCO. In such fact and circumstances, it cannot be said that the amount was being asked by the respondent SDO as bribe inasmuch as official demand notice was issued and the payment was made in the bank. Moreover, the authority has rightly observed that the matter pertains to the area of Taxila, hence ought to have been agitated before the Court of competent jurisdiction. Furthermore, a bare perusal of the record shows that the appellant has also demanded damages and compensation which really was not

mandate or the jurisdiction which the authority could have exercised.

7. In view of above, the instant appeal is without merit and is accordingly dismissed.

(AAMER FAROOQ)
JUDGE

Announced in Open Court on 27.11.2019

JUDGE

Shakeel Afzal/.