

**ORDER SHEET.**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT.**

Writ Petition No. 1262 of 2015.

Sahibzada Nisar Ahmad Jan

***Versus***

Sui Northern Gas Pipelines Ltd. (SNGPL), Islamabad through its General  
Mangers.

S.No. of order/ proceeding	Date of order/ proceeding	Order with signature of Judge and that of parties or counsel where necessary.
(06)	20.01.2021	Ch. Muhammad Zafar Iqbal, Advocate for the petitioner. Ch. Hafeezullah Yaqub, Advocate for the respondent. Mr. Ali Raza, Senior Law Officer, SNGPL. Syed Safeer Hussain, Executive Officer, SNGPL. Saad Siddique, Executive Officer, SNGPL.

Petitioner has filed instant writ petition with  
the following prayer;

***“Under the above mentioned circumstances  
it is humbly and respectfully prayed that this  
Honourable High Court may kindly be  
directed the respondent to install the Gas  
Meter and provided the Gas connection to  
the petitioner without any further delay in  
the best interest of justice.***

***Any other equitable relief which this  
Honourable High Court deems fit and  
appropriate may also be awarded in favour  
of the petitioner”.***

02. Learned counsel for the petitioner *inter-alia*  
contends that the petitioner applied for installation  
of gas meter at his residence situated in H-38 St-2,  
Spring Valley Phulgran, Bhara khau, Islamabad.  
The demand note was issued which was deposited  
on 02.01.2013, subsequently another demand note

was issued on the changed address i.e. H-38 St-2, Near Abu Hanifa Mashid NR Spring Valley Phulgran Bhara khau, Islamabad which was deposited on 10.01.2017 but the respondent has not installed the gas meter and further stated that the respondent is legally bound to provide gas connection on his residence but has failed to fulfill the legal obligation. Further contended that Wafaqi Mohtasib has also given a decision in his favour.

03. On the other hand, learned counsel for the respondent *inter-alia* contends that as the house of the petitioner falls within the jurisdiction of unauthorized / illegal housing scheme, in respect of which a decision has been taken in the meeting regarding unauthorized / illegal housing schemes in Islamabad, by the Capital Development Authority which was also attended by other stakeholders, wherein it was decided that in future SNGPL, PTCL, IESCO etc. will not provided utility connections to any such schemes. The public notice was published in the “Daily Newspapers” and the name of the Spring Valley is mentioned at serial No. 26 of the list of unauthorized housing Schemes in Islamabad. Learned counsel for the respondent has further contended that CDA has also written a letter stating therein that Federal Cabinet in its meeting held on 19.05.2004, has decided that SNGPL, PTCL, IESCO etc shall henceforth will not provide connections to the unauthorized housing schemes. Further submitted that there is also a decision by Wafaqi Mohtasib

dated 12.05.2015, in case of the petitioner, that no order for providing gas to unauthorized and illegal housing scheme can be given by the Wafaqi Mohtasib. It was further contended that alternate remedy is available for filing the complaint under the Complaint Resolution Procedure (for Natural Gas, Liquefied Petroleum Gas (LPG), compressed Natural Gas (CNG) and refined oil products) Regulations, 2003. Lastly, contended that the petitioner has concealed the material facts, hence instant petition is not maintainable.

04. Heard learned counsel for the parties and reviewed the record available on the file.

05. As it is clearly provided in section 3 of Complaint Resolution Procedure (for Natural Gas, Liquefied Petroleum Gas (LPG), compressed Natural Gas (CNG) and refined oil products) Regulations, 2003 that any person may submit an application with the Registrar for;

- (a) any act or thing done or omitted to be done by a licensee or dealer in violation or alleged violation of the ordinance, rules, regulations, order of the Authority or terms and condition of the license;*
- (b) non-compliance by the licensee or dealer with the service standard in the areas including but not limited to;*
  - (i) billing and overcharging;*
  - (ii) connection and disconnection of service;*
  - (iii) metering*
  - (iv) undue delay in providing service;*
  - (v) safety practices; or*
  - (vi) quantity and quality of natural gas, LPG or CNG being supplied;*
  - or*
- (c) discriminatory practices of the licensee or dealer.*
- (d) for redressal of complaints in respect of matters relating to easements as given in section 32 of the Ordinance.*

06. If the complainant is not satisfied with the decision under the regulations, within thirty days of the decision, either party may appeal against the decision to the Authority, provided in section 9. The petitioner has concealed the material fact that the decision dated 17.09.2014 by the Wafaqi Mohtasib on the complaint of petitioner was reversed in review petition vide order dated 12.05.2015. It is also evident from the record that the Federal Cabinet and CDA have stopped the respondent from providing sui gas connections to unauthorized housing schemes, whereas the house of the petitioner falls within the said unauthorized housing scheme in Islamabad.

07. In this regard it is also noted that the efficacious remedy is available to the petitioner under the Complaint Resolution Procedure (for Natural Gas, Liquefied Petroleum Gas (LPG), compressed Natural Gas (CNG) and refined oil products) Regulations, 2003.

08. I am fortified by the law laid down by the Hon'ble Supreme Court of Pakistan in case titled as ***"Mst. Kaniz Fatima V. Muhammad Salim (2001 SCMR 1493)"*** in which it was authoritatively held by the Hon'ble Supreme Court Pakistan that *"where a particular statute provides a self-contained machinery for the determination of questions arising under the Act and where law provides a remedy by appeal or revision to another Tribunal fully competent to give any relief any*

*indulgence to the contrary by the High Court is bound to produce a sense of distrust in statutory Tribunals and constitution petition without exhausting remedy provided by the statute would not lie in the circumstances".* The same principle has been enunciated in **PLD 2010 Supreme Court 969 titled as "Muhammad Abbasi V. S.H.O. Bhara Kahu and 7 others"**, wherein it was held that *"in our view where alternate remedy is more convenient, beneficial and likely to set the controversy at naught completely, jurisdiction under Article 199 cannot be exercised"*. In another case titled as, **"Rana Aftab Ahmad Khan V. Muhammad Ajmal and another" (PLD 2010 Supreme Court 1066)**, it was held that *"we have considered the above and are constrained to hold that the constitutional jurisdiction (reference Article 199) of the High Court in all the cases cannot be invoked as a matter of right, course or routine, rather such jurisdiction has certain circumventions which the Court is required to keep in view while exercising the extraordinary discretionary power"*.

09. The petitioner's dispute could be redressed by filing a complaint u/s 3 of Complaint Resolution Procedure (for Natural Gas, Liquefied Petroleum Gas (LPG), compressed Natural Gas (CNG) and refined oil products) Regulations, 2003. Furthermore, section 9 of Regulations provides for an appeal against the order, if the complainant is not satisfied with the decision, therefore, the 2003

Regulations provide for an adequate remedy to the petitioner for non-provision of gas connection and as such there is no basis to invoke the extraordinary jurisdiction of this Court.

10. Therefore, in the view of the aforesaid, the prayer sought by the petitioner cannot be granted, as an efficacious and adequate remedy is available to the petitioner. In view of above, the instant writ petition is hereby *dismissed* being meritless.

(TARIQ MEHMOOD JAHANGIRI)  
JUDGE

Bilal

*Approved for reporting.*