

IN THE HIGH COURT OF BALOCHISTAN, QUETTA.

Constitutional Petition No.813 of 2021.  
(ID #100107402087)

(Order for Publication)  
DCPB.

Syed Nazir Agha, Advocate

Vs.

Federation of Pakistan, through Ministry of Petroleum and Natural  
Resources, Islamabad and others.

**ORDER**

Date of hearing: 19<sup>th</sup> April, 2023.

For petitioner: Syed Nazir Ahmed Agha, Advocate (Petitioner)  
present in-person.  
Mr. Muhammad Asif Reki, Advocate General.  
Mr. Muhammad Rauf Atta, Additional Attorney  
General.  
Mr. Anwar-ul-Haq Kakar, Assistant Attorney  
General.  
Mr. Nusrat Baloch, AAG.  
Mr. Adnan Ejaz, Advocate for SSGC.  
Mr. Jameel Ahmed Agha, Advocate for Mari Gas  
Zarghoon Pipeline.  
Mr. Asad Achakzai, Advocate.  
Ms. Zarghoona Barrech, Advocate.  
Mr. Farooq Anwar, Advocate.  
Mr. Zaheer Ahmed, Advocate for FC North.  
Mr. Asif Masood Kethran Director (Maintenance)  
NHA along with Mr. Abdul Manan, Deputy Director  
(Legal) NHA.  
Mr. Nadir Ali Chalgari, Advocate for Metropolitan  
Corporation, Quetta.  
M/s Imtiaz Ahmed Shahid, Hameedullah Kakar, Mr.  
Ghulam Abbas Mandoq, Jameela Sehr Langove,  
Muhammad Ayub Khan Achakzai, Advocates for  
interveners.  
Mr. Fareedullah Kakar, Chief Manager (P&D)  
Maintenance SSGC, Quetta.  
Mr. Farooq Ahmed Khan, Chief Engineer (P&D)  
SSGC.  
Mr. Makhdoom-ur-Rehman, Law Officer SSGCL.  
Mr. Imran Azam, GM (Billing) SSGCL.  
Col. ® Intisab Naseer, Regional Manager MPCL.  
Mr. Altaf Hussain, CE (CRD) SSGCL.  
Mr. Usman Shahid, CSR Specialist MPCL.  
Mr. Tariq Javed Mengal, Administrator MCQ.  
Mr. Abdullah Khilji, Law Officer MCQ.

Mr. Abdul Nasir Kasi, Law Officer Health  
Department.  
Mr. Muhammad Usman Babri, Under Secretary  
(Finance Department).

Mr. Shayhaq Akhtar, Advocate.

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**MUHAMMAD KAMRAN KHAN MULAKHAIL, J:** In pursuance of our earlier order dated 05<sup>th</sup> April 2023, the learned Additional Attorney General for Pakistan has submitted a copy of report/minutes of the meeting convened in his office with following members:

- i. *Mr. Tahir Iqbal Khattak, Addl: A.G.*
- ii. *Mr. Tariq Javed Mengal, Administrator MCQ.*
- iii. *Mr. Farid Kakar, Chief Engineer SSGC Quetta.*
- iv. *Mir Asif Masud, NHA, Quetta.*
- v. *Mr. Saddam, Engineer, Cantonment Board, Quetta."*

He states that NHA, CBQ and MCQ in their respective jurisdiction shall ensure the immediate filling-up the patches /trenches followed by blacktopping soon after handing over the site by the SSGC's Contractor.

2. Mr. *Makhdoom-ur-Rehman*, Law Officer SSGCL, Mr. *Farooq Ahmed Khan*, acting GM SSGCL along Mr. *Fareedullah Kakar*, Chief Manager (P&D) Maintenance SSGC, Quetta are in attendance, they apprised the court that 12' dia gas pipeline work from *Sheikhmanda* to *Nawa Killi* has been completed and so far the installation of two (2)TBS and four (4) Pressure Regulating System (PRS) has been decided, in which one TBS has been installed, but the other TBS and PRS work could not be completed due to ongoing *Ramazan* and upcoming *Eid* holidays. It is further pointed out that in the City area, the gas pipeline from *Taj Complex-Lohr Karez* via *Sirki Road* to *Mission Road* and *Zarghoon Road* has been distributed into five zones, in which only one zone comes within the jurisdiction of Cantonment Board Quetta and the other four zones fall within the jurisdiction of MCQ.

3. Mr. *Tariq Mengal*, Administrator MCQ states that after convening the meeting in the office of Additional Attorney General alongwith other members, it was decided that the concerned contractor shall immediately hand over the site for its onward blacktopping work. During the hearing of case, it further transpires that immediate blacktopping work was not possibly executable due to technical reasons regarding examination, testing of pressure leakage and full-fledge installation of TBS in PRS.

Be that it may, but as it has already been directed by this court that no stone shall be left unturned to immediately resolve the issue of filing the patches/trenches and their blacktopping, so as to avoid any untoward incident to the general public followed by environmental hazard for inmates of the City. The officials of the SSGCL are seeking time for completion of work, but it must be kept in mind that all open trenches shall immediately be filled-up.

4. Mr. *Muhammad Rauf Atta*, the learned Additional Attorney General states that the report on behalf of Director General (Gas) Ministry of Energy (Petroleum Division) Government of Pakistan Islamabad has already been submitted along with an agreement dated 1<sup>st</sup> June, 1954 executed between the SSGCL and Federation with details of total demand and supply for the Province of Balochistan, showing reasonable shortage of supply as compared to variable demand, which reads as follows:

Description	November, 2022	December, 2022	January, 2023	February, 2023
Demand	156	199	211	180
Supply	117	117	177	177

5. *Syed Nazeer Ahmed Agha*, Advocate (petitioner) present in-person states that in this case during course of various hearings, it was transpired that SSGCL has forwarded a proposal for fixed gas bill on flat-rates for domestic consumers, but thereafter, no fruitful outcome has been

shown. He states that it was most appropriate proposal on behalf of one of the member of Board of Directors ('BOD') of SSGCL namely, Mr. *Muhammad Riaz Nosherwani*.

In response to query posed by the Court, the Acting General Manager, SSGCL Quetta further apprised the court that said proposal was prepared and forwarded to the concerned Ministry so as to ensure the recovery of revenue on basis of fixed prices according to consumption of each individual, which is still pending and so far no decision has been conveyed or announced.

In view of contentions so raised by *Syed Nazir Ahmed Agha*, Advocate and statement so made by the Acting General Manager, SSGCL Quetta, the Director General SSGCL Quetta is directed to submit copy of said proposal regarding fixed/flat-rate(s) for gas consumption of domestic (residential) consumers.

6. The learned Additional Attorney General states that the distribution agreements executed between the SSGCL and Federation do not fall within the domain of SSGCL, rather the Ministry of Petroleum, Gas and Natural Resources is the signatory and custodian of said agreement.

Since, the issue of fixed/flat-rate(s) and distribution of gas according to demand of Province of Balochistan squarely falls within the jurisdiction of Ministry of Energy (Petroleum Division) Government of Pakistan Islamabad, therefore, the learned Additional Attorney General Pakistan (Balochistan) shall ensure the presence of concerned official of ministry on next date of hearing along with comprehensive report in this behalf.

7. The inhabitants of the *Nawa Killi* have filed an application under Order-I Rule 10 CPC, while Mr. *Habibullah Nasar*, Advocate pointed out that a similar issues has already been raised by the other



inhabitants of the area and the city present in court. Notice of the application be issued to the other side.

8. It has been observed with pain and dismay that now this tendency has become a run of the mill that whenever the hearing of this case comes nearer, the gas pressure in the city becomes stable and soon after adjournment of the case and after providing appropriate time to the gas officials to address the issues, the gas supply is either terminated or the pressure is being reduced to the inhabitants till the next date of hearing.

9. During hearing, it further transpired that certain SSGCL officials are sitting in the gas office with misconception that they are running their private fiefdom and, therefore, the inhabitants of the city are being manhandled, disregarded, disrespected and insulted in front of the gas office and instead of resolving their issues they are being denied their fundamental right and even nobody is ready to resolve their issues. On last date of hearing we had passed the order that the gas company shall establish separate desks for redressal of the grievances of the people of respective areas, and though the Law Officer of the gas company (SSGC) has made a statement that said complaint desks have already been established, but it is unfortunate to observe that the citizens of the *Quetta* Town present in court are still complaining that they have been insulted and disrespected in the gas office. It has further been observed that the meter reading job has been outsourced and assigned to a private contractor; similarly, the people are complaining that private contractors are also manhandling the consumers and even without giving any notice, they are removing the gas meters.

This court vide its earlier order dated 23<sup>rd</sup> December 2021 and 30<sup>th</sup> March 2022 has clearly directed that no slow meter charges, hidden charges and other charges shall be leviable. Similarly, it was also directed that in absence of the consumers, no gas meter shall be removed. The order further

shows that the gas company was clearly directed to resolve the issue without any further delay. During the course of hearing, let alone the court room, the whole court's premises are filled with the inhabitants of the Quetta city, who are lamently and vehemently agitating their grievances against the gas company. Majority of the people are aggrieved from the behavior of gas officials in the gas office, insult being shown by the private contractors, exorbitant and unexpected high charges of the gas, violating the tariff and again by violating the orders of this court dated 23.12.2021 and 30.03.2022 regarding slow meter charges, other hidden charges, etc.

We are unable to comprehend that why the officials of public enterprises are running the enterprises as their private business or they are posing themselves as rulers instead of servants of the State and citizen of the Pakistan.

10. During course of arguments, it transpired that instead of taking regular reading of the total consumption, the gas company is sending provisional bills to the consumers. While Syed Nazir Agha, Advocate (petitioner) pointed out that while issuing provisional bill the actual units are not obtained and thus, when the consumed units exceeds the tariff limit, the bill(s) is/are being sent/charged with the highest tariff, and thus, due to their illegal act the consumers are either overburdened or being looted. The gas officials present in court referred the abstract of Consumer Manual by stating that in any case the SSGS has been permitted to send a provisional bill to the consumers, where the regular reading either has not been obtained or some other anomaly/defect is being reported in the gas meter. During the arguments it further transpired that Oil & Gas Regularity Authority (OGRA) vide its Notification dated 15<sup>th</sup> February 2023 enhanced

the gas tariff in different categories, by stipulating that the Notification will be applicable and new tariff will be leviable from 1<sup>st</sup> January, 2023.

The afore stated facts, figures and circumstances altogether bring us to a conclusion that the SSGCL is no more left as a State owned Enterprises, rather they are working as a foreign invaders or as a subsidy of the *EAST INDIA COMPANY*, who are just looting the citizens of the Pakistan on pretext of revenue collection and financial fixes. Needless to observe here that under the Constitution of Pakistan, this is the first and utmost duty of the State to provide all basic amenities to the citizens of Pakistan, but unfortunately in the case of SSGC, the people of the Pakistan are being victimized, particularly the citizens of province of Balochistan are being deprived by clearly violating the provision of Article 158 which stipulates as under:

*"Priority of requirements of natural gas  
158. The Province in which a well-head of natural gas is situated shall have precedence over other parts of Pakistan in meeting the requirements from that well-head, subject to the commitments and obligations as on the commencing day."*

In view of above quoted provision of Constitution of Islamic Republic of Pakistan, 1973, no cavil is left to observe that the very first distribution agreement between the Ministry and Gas Transmission Companies is violative to the Constitution of Pakistan, where instead of fulfilling the requirement and necessities of the province, the gas produced by the province of Balochistan is being transmitted to the SNGPL and in case of shortage in the province, the gas is being borrowed from the Sindh province. Again the Sindh province is also a main beneficiary and recipient of the natural gas of Balochistan, where the gas distribution regulators have been installed in *Shikarpur* Sindh, while the gas is being extracted from Balochistan. Thus, all these arrangement clearly reveals that

the province of Balochistan and its citizen are being deprived intentionally and clearly by violating the Constitution of Pakistan.

11. It has been further transpired that whenever the correction cases are submitted, same are being forwarded to the Karachi office for final approval. In this modern age we are unable to reconcile that instead of following the basic principal of decentralization of powers under the dictates of Management Sciences, the SSGCL is being run as a centralized organization instead of authorizing/distributing the powers to the second and third tier, still the powers are being grabbed by the high officials. Therefore, it is expected that no case of the Balochistan province regarding domestic consumer shall be forwarded to Karachi and same shall be decided at Quetta in any case.

12. We are dismayed to painfully observe, which is unfortunate at least to say, that time and again the orders were passed, but no heed was paid, which left us with no other option, but to issue contempt of court notices to all concerned officers of the SSGC, Ministry of Petroleum and Oil & Gas Development Authority with clear understanding that why a contempt of court proceeding shall not be initiated against them for willful defiance of the court's orders. The following officials who remained present before the court or the court orders have already been served upon them are directed to file their respective replies on or before the next date of hearing:

- i. Mr. Abdul Waheed Jamani, SGM SSGC, Karachi.
- ii. Mr. Anwar Baloch, General Manager, SSGCL.
- iii. Mr. Madni Arfat Siddique, General Manager, SSGCL.
- iv. Mr. Raheel Malik, Regional Manager SSGCL.
- v. Mr. Said Muhammad Kakar, Regional Manager, SSGCL Quetta.
- vi. Mr. Fareedullah Kakar, Deputy Chief Engineer SSGC.
- vii. Mr. Farooq Ahmed Khan, Chief Engineer (P&D) SSGC.
- viii. Mr. Muhammad Kamran, Deputy General Manager (Billing) SSGCL.
- ix. Mr. Makhdoom-ur-Rehman, Law Officer SSGCL.



- x. Mr. Kashif Siddiqui, Chief Engineer, SSGCL Quetta
- xi. Mr. Muhammad Usman, Billing Incharge SSGCL.
- xii. Muhammad Salah Jamali, Senior Engineer SSGCL.
- xiii. Mr. Tahir Achakzai, Zonal Manager Cantonment Board Zone.
- xiv. Mr. Bahauddin, Zonal Manager City Zone
- xv. Mr. Hidayatullah Khosa, Zonal Manager Samungali Zone.
- xvi. Mr. Samad Mandokhail, Zonal Manager Sariab Zone
- xvii. Mr. Jahanzaib Khan, Zonal Manager Kuchlak-Ziarat.
- xviii. Mr. Mohibullah Kakar, Zonal Manager (City) SSGCL.
- xix. Mr. Arshad Iqbal, Manager Legal MGCL.

13. Consequently, we are inclined to pass the following orders:

- a. The learned Addl: Attorney General is directed to ensure the appearance of Secretary Ministry of Petroleum Gas and Natural Resources, Chairman OGRA, Director General (Gas) Ministry of Energy (Petroleum Division) Government of Pakistan Islamabad and Managing Director (MD) SSGCL with direction to furnish the details about the agreement dated 1<sup>st</sup> June, 1954.
- b. The Chairman OGRA shall produce the detail about proposal submitted with regard to fixed/flat rate of domestic gas consumers in the province.
- c. The MD shall furnish a comprehensive report that why despite having a gas in the main distribution, the inhabitants of province have been deprived.
- d. Meanwhile, the private contracts assigned to private contractor(s) for meter reading/meter removing shall remain suspended till the next date.
- e. The gas official shall not remove the gas meter of any consumer without clarification of his bill, by excluding the slow meter charges, other charges, provisional bill charges and increase in gas charges respectively with effect from 1<sup>st</sup> January, 2023. The operation of this notification shall remain suspended, till next date of hearing.
- f. The Chief Executive of the Province, The chief Secretary being Principal Executive officer of the Province, and

Governor Balochistan being Representative of the Federation of the Balochistan are expected to take-up the issue with Prime Minister and the cabinet at their earliest.

- g. The General Manager present along with Chief Engineer is directed to ensure the regular supply of the gas in those areas, where the gas pipeline has already been completed and TBS' have also been installed and during the *Eid* holidays no inhabitants of the City shall be deprived from regular supply of the gas.

The copy of this order be transmitted to the following officials and individuals:

- i) The Attorney General for Pakistan Islamabad.
- ii) The Additional Attorney General for Balochistan.
- iii) The Advocate General Balochistan.
- iv) The Additional Advocate General Balochistan.
- v) Mr. *Adnan Ejaz Shiekh*, Advocate for SSGCL.
- vi) *Syed Nazir Agha*, Advocate (petitioner).
- vii) *M/s Ishaq Nasar & Nadir Ali Chalgari*, Advocates for MCQ.
- viii) Mr. *Adnan Basharat*, Advocate for Cantonment Board Quetta.
- ix) *Syed Jameel Agha*, Advocate for MGCL.
- x) The Principal Secretary to the Worthy Prime Minister of Pakistan.
- xi) The Principal Secretary to the Chief Minister Balochistan.
- xii) The Principal Secretary to the Governor Balochistan.
- xiii) The Secretary, Ministry of Petroleum and Natural Resources, Govt of Pakistan, Islamabad.
- xiv) The Director General (Gas) Ministry of Energy (Petroleum Division), Govt. of Pakistan Islamabad.
- xv) The Chief Secretary Balochistan.
- xvi) The Secretary Health Department, Govt of Balochistan Quetta.
- xvii) The Secretary Finance Department, Govt of Balochistan Quetta.

- xviii) The Secretary S&GAD Department, Govt of Balochistan Quetta.
- xix) The General Manager NHA Balochistan.
- xx) The General Manager SSGCL Quetta Region.
- xxi) The DG Maintenance (P&D) SSGCL Quetta.
- xxii) The Chief Manager (P&D) Maintenance SSGC, Quetta.
- xxiii) The GM (Billing) SSGCL Quetta.
- xxiv) The Executive Officer Cantonment Board, Quetta.
- xxv) The Administrator Municipal Corporation Quetta.  
for information and compliance and in case of non-

compliance all the officers shall appear in person.

To come-up 15.05.2023.

Sd/Justice Muhammad Kamran Khan Mulakhail

Sd/ Justice Sardar Ahmed Haleemi.