In the Federal Constitutional Court of Pakistan
(Appellate Jurisdiction)

Present:
Justice Aamer Farooq
Justice Syed Arshad Hussain Shah

F.C.P.L.A. No.510 of 2026
(On appeal from order of the Lahore High Court, Lahore dated 3.12.2025 passed in Writ Petition No.67138 of 2025)

Lahore Electric Supply Company (LESCO) through Chief Executive Officer, Lahore

Petitioner

Versus

Hamdard Laboratories (Waqf) Pakistan through Muhammad Abid Khan General Manager, Lahore & others

Respondents

For the Petitioner: Barrister Muhammad Umer Riaz, ASC

For respondent No.1: Mr. Aziz Nishtar, ASC

Date of hearing: 29.10.2026

Judgment

Syed Arshad Hussain Shah, J – Through the captioned petition, the petitioner has challenged the order of the Lahore High Court, Lahore dated 3.12.2025, whereby writ petition filed by respondent No.1 was accepted, order of the Appellate Board dated 28.10.2025 was set aside and that of Electric Inspector-II, Lahore dated 22.1.2025 was upheld.

2. Learned counsel for the petitioner contended that the impugned order, being *coram non judice*, is without lawful authority and jurisdiction, hence void ab initio, legally unsustainable and liable to be set aside. He further submitted that the writ petition was not maintainable in view of the availability of an adequate and efficacious alternate remedy under Section 12G(1) of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (hereinafter referred to as the Act of 1997), which the petitioner could have availed before invoking the

constitutional jurisdiction of the High Court. Accordingly, he prayed that the impugned order be set aside.

3. Conversely, learned counsel for respondent No.1 controverted the submissions advanced by learned counsel for the petitioner and vehemently opposed the petition. He supported the impugned order, contending that the High Court has jurisdiction in the matter under Article 199 of the Constitution to decide the matter. He further submitted that the impugned order did not suffer from any illegality, jurisdictional defect or material irregularity warranting interference by this Court. He maintained that the petitioner had failed to make out any case for interference with the impugned order and, therefore, the petition was liable to be dismissed.

4. We have heard the learned counsel for the parties at considerable length and have minutely examined the available record, including the impugned order and the relevant documents placed before us. The controversy involved in the instant matter pertains to the electricity bills charged against respondent No.1 under the DEF-EST tariff code for the billing months of August, 2024 to November, 2024. The pivotal question requiring determination is whether the petitioner was legally justified in charging the aforesaid amounts under the said tariff code and whether the impugned billing was in accordance with the applicable laws, rules, regulations and tariff provisions governing the matter. The legality and propriety of the impugned order, in the light of the respective contentions raised by the learned counsel for the parties, is also required to be examined.

5. Upon receipt of the disputed electricity bills for the billing months of August, 2024 to November, 2024, respondent No.1 approached the Provincial Office of Inspection (P.O.I.)/Electric Inspector to the Government of the Punjab, Lahore (hereinafter referred to as the “Electric

Inspector"), by invoking the jurisdiction conferred under Section 38 of the Act of 1997, read with Sections 24 and 25 of the Electricity Act, 1910, and sought redressal of its grievance. To ascertain the factual position regarding the disputed bills, the Electric Inspector further deputed an Inspecting Officer to inspect the electricity meter installed at the premises of respondent No.1. The inspection was conducted on site in the presence of representatives of both parties to verify the condition and functioning of the meter and examine the relevant aspects of the disputed consumption and billing. Upon considering the inspection reports, the material available on record, and the submissions of the parties, the Electric Inspector disposed of the petition vide order dated 22.01.2025, concluding as follows:

> "Summing up the foregoing discussion, it is held that the impugned bills charged in the bills for the months of 08/2024 to 11/2024 are void, unjustified and of no legal effect; therefore, the petitioner is not liable to pay the same. However, the respondents are allowed to charge revised monthly bills for the months of 08/2024 to 11/2024 on the basis of actual units recorded on the backup meter bearing No.95856. The respondents are also directed to over-haul the account of the petitioner accordingly, any excess amount recovered be adjusted in future bills, and replace the meter bearing No.205393 with healthy one.".

6. The above order was assailed by the petitioner before the Appellate Board of NEPRA (hereinafter referred to as the "Board") by way of Appeal No.052/POI-2025. The Board decided the appeal in the following terms:-

> "8. In view of what has been stated above, it is concluded as under:
> i. The bills for the period from August 2024 to November 2024 are unjustified and the same are cancelled.
> ii. The Respondent may be charged the revised bills w.e.f August 2024 and onwards till the replacement of the impugned meter on DEF-EST code.
> iii. The billing account of the Respondent may be overhauled accordingly.
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> 9. Impugned decision is modified in the above terms."

Against the above order, respondent No.1 approached the Lahore High Court by way of filing Writ Petition, which has been allowed. Operative part of the impugned order reads as under:-

> "10. For what has been noted above, instant petition is **accepted** and the impugned decision of the Appellate Board is **set aside,** as a result, that of respondent No.6 shall hold the field."

7. Being aggrieved by and dissatisfied with the aforesaid order passed by the Lahore High Court, the petitioner has invoked the appellate jurisdiction of this Court by filing the instant petition for leave to appeal, seeking setting aside the impugned order(s).

8. As regards the factual controversy involved in the matter, it would suffice to observe that the same has been conclusively determined by the fora below in accordance with law and does not warrant any interference by this Court. So far as the objection raised by learned counsel for the petitioner with regard to failure of respondent No.1 to avail the efficacious alternative remedy available before the competent Tribunal under Section 11 of the Act of 1997, is concerned, it is observed that the High Court has duly considered and adequately addressed this objection in the impugned order. The High Court, while examining this aspect held that *'taking up the objection raised by the learned counsel appearing on behalf of LESCO against maintainability of this petition, I have noted that there is no cavil with the fact that a Tribunal has been established, under section 11 of the Act, 1997, to hear any contractual dispute amongst the licenser and licensee but it has not been empowered to hear any appeal against the decision of the Appellate Board. In this scenario, the objection raised by the learned counsel for the respondents is hereby spurned.* With regard to maintainability of writ petition before the High Court, we quote with approval the dictum laid down in the case reported as Federation of Pakistan versus Spencer Powergen Company of Pakistan Limited **(2026 SCMR 339)**, wherein it was held that '*Article 199 of the Constitution empowers High Courts to issue writs for the enforcement of fundamental rights and public duties. It has consistently been held that actions of the State, its instrumentality any public authority or any person whose actions bears insignia of public law element or public character*

are amenable to judicial review and the validity of such an action would be tested on the anvil of the provisions of the Constitution and, in particular, the fundamental rights enshrined therein'.

9. LESCO, being engaged in the distribution and supply of electricity, performs an essential public utility function within the statutory and regulatory framework established under the Act of 1997. More importantly, the controversy relates to the legality of electricity charges raised under a regulated tariff code and the exercise of statutory powers concerning metering, billing and collection of tariffs. In this regard, Section 38 of the Act of 1997 expressly empowers the Provincial Office of Inspection to determine disputes relating to metering, billing and collection of tariffs and provides an appellate mechanism against its decisions. In the present case, the grievance of respondent No.1 was examined by the Electric Inspector through technical inspection of the meter and consideration of the relevant material, whereafter the matter was carried in appeal before the Board, which passed its decision in exercise of statutory appellate powers. Thus, the controversy is not confined to the enforcement of private contractual rights but directly involves the exercise of statutory and regulatory authority governing an essential public service. It, therefore, carries a distinct public-law element and is amenable to judicial review under Article 199 of the Constitution. Hence, the principle laid down in (2026 SCMR 339) *supra* is relevant. In the circumstances of the present case, the High Court was justified in examining the legality, validity and correctness of the orders passed by the fora below in the exercise of its constitutional jurisdiction.

10. In view of the foregoing discussion, we are of the considered opinion that the petitioner has failed to make out any case warranting interference by this Court in the exercise of its appellate jurisdiction. No

illegality, material irregularity or misreading or non-reading of the record has been demonstrated so as to call for interference with the impugned judgment. Consequently, finding no merit in the instant petition, the same is hereby dismissed and leave to appeal is refused.

Judge

Judge

Islamabad
29th October, 2026
Approved for reporting
Riaz