

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD

Rep. No.453/WM/2022
Date of Decision: 03.02.2023

Sui Northern Gas Pipelines Limited Vs Tahir Mahmood Khan

REPRESENTATION FILED BY SUI NORTHERN GAS PIPELINES LIMITED AGAINST THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NO. WMS-ONL/0008999/2022

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by Sui Northern Gas Pipelines Limited - SNGPL (the complainant) assailing the revised order dated 30-08-2022 of the Wafaqi Mohtasib. In the original order 04-07-2022 it has been held as under:-

“Mr. Muhib Ullah, S/E, SNGPL appeared as the representative of the Agency. The complainant was also present. The representative of the Agency pleaded in the light of the referred report. The complainant was explained that there is a ban and when it will be lifted, he will be given a gas connection on his turn.

In view of the foregoing facts, investigation in the complaint is closed under Regulation 23(1)(f) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations 2013. Compliance report be submitted to this Secretariat within 15 days of lifting of ban on provision of gas connection subject to turn on merit of the complainant in terms of Article 11(2) of President's Order No.1 of 1983.”

3. The complainant preferred a review petition that was accepted vide order dated 30-08-2022 in the following terms:-

“Perusal of the record revealed that the complainant deposited his urgent demand notice on 13.10.2021 and further deposited his 2nd demand notice on 02.12.2021. However, the Ministry of Energy (Petroleum Division) vide its letter No. NG(D)-16(91)/2021-Imp-Pt dated 03.12.2021 advised Oil and Gas Regulatory Authority (OGRA) to impose ban on further processing or work on all gas schemes in pipeline or approved. In the light of the above letter, the Agency stopped installing further new gas connection whether in pipeline or approved.

The complainant paid his urgent demand notice on 13.10.2021 and 2nd demand notice on 02.12.2021. Since the complainant had fulfilled all the requirements of the Agency till 02.12.2021 before imposing ban on 03.12.2021 on process of gas supply to the consumers, therefore, the former's case does not fall within the purview of such ban imposed by the Ministry of Energy (Petroleum Division). Hence, denying the provision of gas connection to the complainant amounts to mal-administration on the part of the Agency as defined in Article 2(2) of P.O. No.1 of 1983.

In view of the above, the Review Petition filed by the complainant is accepted and the earlier findings dated 04.07.2021 are recalled. The Agency is recommended to install the gas connection of the complainant at the earliest.”

4. Tahir Mahmood Khan (the complainant) had alleged that he had applied for new gas connection in 2021 to the Agency after payment of urgent demand notice fee but the same has not been provided to him. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned orders, hence the instant representation.

5. The case was fixed for hearing on 19-01-2023 but none of the parties have appeared despite notice. The representation is being decided in view of Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 which reads as under:-

“It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency”.

The law thus empowers the decision of a representation without personal hearing of the parties, on the basis of available record. It is undoubtedly a case of that nature.

6. After perusal of record it reveals that as per stance of the representative of the Agency before the learned Wafaqi Mohtasib, the complainant paid Urgent Fee demand notice on 13-10-2021 and 2nd demand notice on 02-12-2021. However, the Ministry of Energy (Petroleum Division) vide its letter No. NG(D)-16(91)/2021-Imp-Pt dated 03-12-2021 advised Oil and Gas Regulatory Authority (OGRA) to impose ban on further processing or work on all gas schemes in pipeline or approved. In fact, the letter referred of M/o Energy was actual about reply of OGRA's letter in which OGRA vide its letter dated 25-08-2021 directed SNGPL *"to develop a computerized database, clearly showing progress against each of the ongoing & pending gas development scheme/application for gas connection providing complete details"*; that OGRA, under provisions of OGRA Ordinance 2002, has nothing to do in respect of imposing ban on gas connection; that SNGPL stopped processing of all domestic gas connections vide its Memorandum dated 12-11-2021; subsequently, SNGPL issued guidelines vide its Memorandum dated 17-11-2021 wherein as per Para No. 2, it was clarified that, *"issuance of DNLPs (Demand Notice Proposal Letters) for urgent fee connections, where urgent fee of Rs 25,000/- has already been paid, shall be processed. However, cases of UF (Urgent Fee) where payment of Urgent Fee bill was realized after cutoff date 12-11-2021, shall not be entertained"*; similarly, there were categories mentioned at para numbers 1, 2, 3 and 5 under which *"connections shall continue to be provided"*. Thus, the complainant should not be penalized of such a ban where he paid Urgent Fee before cutoff date i.e. 12-11-2021; that the learned Wafaqi Mohtasib has rightly passed the impugned order dated 30-08-2022; thus no interference is warranted with the impugned order. Needless to mention that as per established law such instructions /orders of regulatory nature do not have retrospective effect and apply to future cases only.

7. The Hon'able President has been to reject the instant representation accordingly.

-Sd-
(Asghar Ali)
Director (Legal)

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Copy to:

The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue,
Islamabad.