

**IN THE COURT OF MUHAMMAD KALEEM SHEIKH,  
PRESIDING OFFICER / DISTRICT & SESSION JUDGE,  
DISTRICT CONSUMER COURT, FAISALABAD.**

<b>Muhammad Yousaf s/o Ahmad Yar R/o Wadi-e-Aziz Sharif Near River Chenab Chiniot District Jhang.</b>	<b>1. The Chief Executive Fesco/Wapda canal Road Abdullah Pur Faisalabad. 2. Ch. Muhammad Yaquub XEN/Deputy Manager Operation Fesco/Wapda Chiniot Distt Jhang. 3. Malik Zeeshan Haider SDO/Assistant Manager Operation Fesco/Wapda Chiniot Distt Jhang.</b>
<b>(Claimant)</b>	<b>(Defendants)</b>
<b>Claim No:</b>	<b>261/DCC-2008.</b>
<b>Date of Institution of Claim</b>	<b>01.07.2008.</b>
<b>Date of decision</b>	<b>06.04.2009.</b>

Muhammad Yousaf  
Vs.  
Chief Executive Fesco etc.

Complaint under the Punjab Consumer Protection ACT, 2005, and  
claim for installation of electric meter restoration of electric supply  
and recovery of loss, damages and compensation of  
Rs. 5, 70,000/-

**ORDER:-**

1. Briefly, the claimant being resident of near river Chenab Chiniot District Jhang, filed application No. 1319/AI on 18.07.07, to the Fesco for electricity connection to his premises, which was allowed after requisite survey. After deposit of the amount of the demand notices, the Fesco installed electricity meter at the claimant's premises vide consumer reference No. 03-3344-0161101-064106 but there after electric supply was illegally disconnected without any notice and intimation to the claimant. Felt aggrieved, the claimant approached the Fesco Authorities but they refused to restore the electricity connection. As the defendant's services are allegedly faulty and defective due to illegal disconnection of electric supply causing

the financial loss, physical and mental torture, harassment to the claimant therefore, he has lodged this claim for restoration of electric supply and recovery of damages of compensation of Rs. 5,70,000/- from the defendants.

2. The defendants have vehemently apposed the above said claim by filing their statements of defence.
3. As the matter needed evidence prior to its final adjudication therefore, the claimant Muhammad Yousaf got recorded his statement as PW-1 and he produced Muhammad Arif and Muhammad Aslam as PW-2 and PW-3 respectively.
4. In rebuttal, Malik Zeeshan Haider Assistant Manager Operation Fesco appeared as DW-1 whereas, Muhammad Yaqoob Deputy Manager Operation Fesco Chiniot got recorded his statement as DW-2.
5. A local commission was also issued during the evidence of the parties and Waseem Talib Chattha Advocate as Local Commissioner appeared as CW-1 who tendered his report EX-CW1/A along with site plans EX-CW1/B, EX-CW1/B-2, EX-CW1/C-1-2.
6. Heard the arguments. Record perused.
7. From the evidence on record, it transpires that the claimant is not the owner of the premises where he wishes to get electricity connection and that he did not submit "No Objection Certificate" of the Pakistan Railway Authorities for crossing the electric cables over the Railway Lines. The claimant has further disclosed in cross examination that the electricity connection supplied to the four Darbars across the Railway Line have their own transformers and that they do not supply electricity to any other consumer through such connection. Muhammad Arif PW-2 has admitted in cross examination that the claimant's residence is on a place which is the ownership of Railway Department and that the claimant has illicitly occupied it. He has admitted in further cross examination that the electricity connection provided to the four Darbars across the Railway line

exists since 1985. He has further disclosed it correct to suggest that the Railway Authorities do not supply the electricity connection without issuance of NOC by them. Muhammad Aslam PW-3 has stated when subjected to cross examination that the electricity connections of the Darbars across the Railway Line were supplied in 1992-1993. Waseem Talib Chatha Advocate CW-1 has also deposed that the electricity connections across the Railway Line to the Darbars were supplied in the year 1983.

8. From the statements of DW's it also appears that according to the revised Railway Policy, electricity connection can not be provided to the consumers across the Railway Line. It has further been disclosed by them that the claimant has been issued notice No. 2105 dated 04.09.07, that the electricity connection may be provided to his premises if he would produce the NOC of Railway Department subject to deposit of the amount of the revised demand notice but that he has not replied to such notice vide EX-D1.
9. During arguments, I have taken judicial notice of the notification about policy regarding the electric crossing on Railway Track vide No. 5622/M/power dated 06.06.07, BU/electric/1337/OH/ZING/PT-iii dated 28.07.2008, and memo No. 2494-95 dated 16.09.2008, showing that as serious accidents took place due to electric wires over the Railway Tracks therefore, the Railway department has adopted necessary remedial measures in the interest of safe train operation by not allowing the electric crossing there.
10. From the above said scenario, it is up to my entire satisfaction that the claimant has not been held entitled to have electric energy to his premises under circumstance beyond the reach of the Fesco hierarchy under the Government Policy at least since the year 2007.
11. As such, the defendants have not been found to be guilty of defective and faulty services therefore, no question arises about

the award of compensation and damages to the claimant. However, it is made clear that as and when the claimant shall get NOC from the Railway Authorities concerned for supply of electricity wires across the Railway Line to his premises, the defendants shall provide the electricity connection there on deposit of the amount under the revised demand notice by the claimant. The claim is disposed of accordingly. File be consigned to the record room after its due completion.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad.

Certified that this judgment consists of four pages, dictated, signed and corrected by me.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Muhammad Yousaf in person**
- 2. Learned counsel for the defendants Mr. Shahid Saleem Advocate**
- 3. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

Final arguments advanced by both the parties have been heard. Vide my detailed order of even date the claim merits dismissal and is hereby dismissed. File be consigned to the record room after its due completion.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad.

**Present:-**

- 1. Petitioner Haji Muhammad Siddique in person.**
- 2. Learned counsel for the petitioner Rafi-ul-Din Malik Advocate**
- 3. Respondent Saeed Munir in Person**
- 4. Learned respondent's counsel Azhar Hanif Khan Advocate.**
- 5. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

In view of the statement of the respondent Saeed Munir, the application for setting aside the order of dismissal of the claim dated 13.02.2009, is hereby accepted and the claim is hereby

restored. The further order shall be made in the main file. File be consigned to the record room after its due completion.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Haji Muhammad Siddique in person.**
- 2. Learned counsel for the claimant Rafi-ul-Din Malik Advocate**
- 3. Defendant Saeed Munir in Person**
- 4. Learned defendant's counsel Azhar Hanif Khan Advocate.**
- 5. Rana Tariq Majeed Khan, ADPP for the State.**

**OR D E R:-**

The claim is hereby restored vide order of eve date on the application for restoration of claim let it be registered on previous number. On 30.03.2009, the defendant stated that if the claimant would return the Generator to him, he would pay its price Rs. 90000/- to him but that he would receive the Generator in the court. The claimant Haji Malik Muhammad Siddique accepted the above said offer but stated that he would get Rs. 95000/- today. However, the claimant Haji Muhammad Siddique has received Rs. 90000/- and the defendant Saeed Munir has received the Generator present within the premises in this court in pursuance of their statements dated 30.03.2009. Order accordingly. File be consigned to the record room after its due completion.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Shahid Mehmood Minhas Advocate in person**
- 2. Asif Ijaz defendant District Manager Auqaf in person**
- 3. Khalid Bhatti Report Clerk Wapda in person**
- 4. Learned counsel for the defendants Malik Shabbir Advocate**
- 5. Learned counsel for the defendant Shahid Saleem Advocate.**
- 6. Rana Tariq Majeed Khan, ADPP for the State.**

**OR D E R:-**

The learned counsel for the defendants has placed before me the order dated 23.02.2006, of Honourable Lahore High Court Lahore showing that the matter in dispute is subjudice in the Honourable Lahore High Court Lahore in CM No. 1-C/2006, in FAO No. 52-2006 titled as Shahbaz Ali etc Versus Chief Administrative Punjab Auqaf and others where the parties have been directed to maintain status quo. The learned claimant's counsel has been unable to produce any order showing that the said order of the status quo has been vacated by the

Honourable Lahore High Court Lahore. Accordingly the case is hereby sine die adjourned till the final adjudication of the matter by the Honourable Lahore High Court Lahore. However, the clamant may get restored the proceedings in this claim after the final decision of said FAO in which case he shall submit an application in this court for restoration of the proceedings alongwith the order of the Honourable Lahore High Court Lahore. File be consigned to the record room.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimants in person**
- 2. Defendants No. 1,2,and 3 in person**
- 3. Defendant No.5 Tariq Mehmood Area Manager in person**
- 4. Defendant No.6 Muhammad Zahid Pervaiz Principal VTI in person**
- 5. Sajid Naseer Khan Chief Operating Officer VTI council Lahore in person**
- 6. Learned counsel for the defendants**
- 7. Rana Tariq Majeed Khan, Assistant District Public Prosecutor for the State.**

**ORDER:-**

Sajid Naseer Khan Chief Operating Officer Punjab Vocational Council Lahore has stated separately in vernacular on oath that the competent authority has sanctioned the VTI's of diploma holders of Clinical Assistant in principle vide letter No. SO(PH)12-1/89(P-1) from health department dated 04.04.2009, and notification in this regard shall be issued within a period of thee weeks. As the grievances of the claimants have been redressed therefore, the file be consigned to the record room after its due completion. Order accordingly.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Mr. Muhammad Umar Yaqoob Advocate.**
- 2. Learned counsel for the defendant Ch. Zahoor Hussain Zafar Advocate.**
- 3. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

Arguments advanced by both the parties have been heard. For further arguments as well as pronouncement of suitable order to be presented on 15.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Muzafar Iqbal in person.**
- 2. Learned counsel for the claimant Raza Abbas Ch. Advocate.**
- 3. None for the defendant.**
- 4. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

The matter was fixed for final arguments but the leaned claimant's counsel has requested for an adjournment to advance his final arguments. As per request for final arguments to be presented on 20.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Khawaja Imran Ashraf in person as PW-1**
- 2. Abdul Sattar as PW-2**
- 3. Muhammad Saleem, Law Officer of WASA in person.**
- 4. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

The matter was fixed for cross examination on the PW's of the claimant but an adjournment is requested by Muhammad Saleem Law Officer of WASA to cross examine the PW's that the learned defendant's counsel has not come to the court due to some exigency. As per request the last opportunity is provided to the learned defendant's counsel to cross examine the PW's of the claimant otherwise the right of cross examination may be closed. For cross examination on the PW's of the claimant to be presented on 20.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Learned counsel for the claimant Rana Basharat Hussain Advocate**
- 2. In proxy to the learned defendant's counsel Muhammad Umar Yaqoob Advocate.**
- 3. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

An application has been submitted by the learned defendant's counsel u/s 34 of the Arbitration Act, 1940. Copy delivered. Accordingly for written reply of above said application and arguments to be presented on 17.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Learned claimant's counsel Sheikh Muhammad Mushtaq Advocate**

- 2. Defendant Muhammad Amjad in person as DW-1**
- 3. Defendant Muhammad Ajmal in person as DW-2**
- 4. Learned counsel for the defendants Mr. Muhammad Ikram, Advocate.**
- 5. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

Evidence on the DW's of the defendants has been recorded as DW-1 and DW-2 namely Muhammad Amjad and Muhammad Ajmal respectively. An adjournment is requested by the learned claimant's counsel to cross examine the DW's. As per request for cross examination on the DW's of the defendants to be presented on 20.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Azhar Hussain Basra in person**
- 2. Learned counsel for the claimant Abdul-Aziz Bhatti, Advocate.**
- 3. Learned counsel for the defendants Malik Shabbir Hussain, Advocate.**
- 4. Rana Tariq Majeed Khan, Assistant District Public Prosecutor for the State.**

**ORDER:-**

The matter was fixed for the record of the statement of the expert of Forensic Science Laboratory Lahore, but the expert of Forensic Science Laboratory is not in attendance therefore, the reminder for expert opinion be issued against the said head of the department in pursuance of the previous order. Accordingly for record of statement of the expert to be presented on 13.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Claimant Rana Ghulam Rasool Manj in person**
- 2. Learned counsel for the claimant Athar Iqbal Bhutta Advocate**
- 3. Defendants 3 and 4 in person**
- 4. Rana Tariq Majeed Khan, ADPP on behalf of the State.**

**ORDER**

Amended claim as well as an application for amendment in the claim has been submitted by the learned claimant's counsel Athar Iqbal Bhutta Advocate. Copy delivered.

Accordingly for written reply of said amended claim as well as cross examination on the PW's to be presented on 16.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad

**Present:-**

- 1. Learned counsel for the claimant Mian Muhammad Saleem Advocate**
- 2. Rana Tariq Majeed Khan, ADPP for the State.**

**ORDER:-**

The claim is prima facie, maintainable in pursuance of the report of the learned Registrar and as per contents of the claim as it is also within the prescribed time limit. The claim is maintainable in the first glance also as there is neither existing system of redress nor the regulatory system for individual claims. So the defendants be summoned to appear in person for 17.04.2009.

Announced  
06.04.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad