

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

REPRESENTATIONS FILED BY SUI NORTHERN GAS PIPELINES LIMITED AGAINST THE FINDINGS OF THE WAFAQI MOHTASIB DATED 06.04.2020, 18.05.2020, 05.06.2020 & 25.06.2020 IN COMPLAINT NOS. WMS-PSH/000467/2020, WMS-PSH/000521/2020, WMS-PSH/0000536/2020, WMS-ONL/566/2020, WMS-PSH/567/2020, WMS-PSH/000574/2020, WMS-PSH/000584/2020, WMS-PSH/000687/2020, WMS-PSH/000689/2020 & WMS-PSH/000714/2020

Kindly refer to your representations addressed to the President in the back ground mentioned below:-

2. M/s Sui Northern Gas Pipelines Ltd. - SNGPL (the petitioner company) has assailed ten orders of the learned Wafaqi Mohtasib passed in the complaint numbers detailed above by filing the instant representations. A common issue pertaining to unjust billing is involved in all these cases.
3. In pursuance of Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013, these cases have been processed on the basis of the material available on record.
4. The learned Wafaqi Mohtasib in all the impugned orders had attributed maladministration on the part of the petitioner company observing that the gas meters were replaced by the petitioner company and sent to the laboratory for flow proving. Under the policy/ procedure framed by the OGRA for theft of gas cases, a suspected gas meter is required to be sent to the testing laboratory within two days after disconnection but in these cases, the meters were sent to the laboratory after six months which is a departure from the established procedure and constitutes maladministration.
5. The contention of the petitioner company in these representations is that it had complied with all the prescribed rules and regulations, hence the impugned orders may be set aside.
6. The objection by the petitioner company regarding the jurisdiction of the learned Wafaqi Mohtasib in these matters is misconceived as the issue pertains to alleged deviation/ departure from the prescribed procedure that constitutes maladministration as envisaged by Article 2(2) of P.O. No.1 of 1983. The petitioner company had failed to bring on record any plausible justification for departure from the procedure contained in Clause 5(ii) of the Consumer's Gas Supply Contract and the OGRA's 'Procedure for Dealing with Theft of Gas Cases 2005', which requires that the presence of the consumer or his authorized representative at the time of inspection/ replacement of gas meter and obtaining of his signature is essential. It also failed to spell out any special circumstances or misbehavior by the respondents, necessitating the need to dispense with their or their authorized representative's presence at the time of replacement/ inspection of the gas meter and obtaining their signatures on the meter replacement advice. Such departure from the prescribed procedure stands established attributing maladministration on the part of the petitioner company warranting no interference in the impugned orders.

7. Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 is as follows:-

"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.

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8. The Hon'able President of Pakistan has been pleased to reject these representations by upholding the impugned orders. Compliance to be reported to the learned Wafaqi Mohtasib within 30-days.

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(Muhammad Saleem)
Director General (Legal)

The General Manager