

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

I.C.A. No.292 of 2014
Federation of Pakistan and others
Versus
M/s Bismillah Associate CNG Filling Station and others

S. No. of order / proceedings	Date of order / proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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15.03.2023

Raja Muhammad Jawad Arslan, learned Assistant Attorney General.
M/s Raza Ullah Khan Niazi and Tahir Mehmood Abbasi, Advocates for the appellants in intra Court appeals No.252/2014 to 298/2014.
Ch. Hafeez Ullah Yaqub, Advocate for the appellants in connected I.C.A. No.71/2014.
Mr. Ishaq Durrani, Advocate / proxy counsel for respondents No.1 to 49 in connected I.C.A. No.71/2014.
Mr. Imran Shaukat Rao, Assistant Advocate General, Punjab.

Through writ petition No.630/2013 and connected matters, the petitioners had sought a declaration to the effect that the Gas Load Management Plan made by the Economic Coordination Committee of the Cabinet (“ECC”) on 21.01.2013 is unconstitutional on the ground that such policy could only have been made by the Council of Common Interests (“CCI”) in terms of Article 154 of the Constitution bearing in mind that the subject of *“mineral oil and natural gas; liquids and substances declared by Federal Law to be dangerously inflammable”* is in Item No.2 of Part-II of the Federal Legislative List which falls within the domain of CCI. The said writ petition along with the connected writ petitions were disposed of by the learned Judge-in-Chambers vide judgment dated 06.02.2014 which has been assailed in intra Court appeals No.71/2014 and 252/2014 to 298/2014. In the said judgment, a direction had been issued to the respondents in the said petitions to take the matter before the CCI within a period of 90 days.

2. Learned counsel for the contesting parties are in unison in their submissions that the question as to whether the decision to make a policy over any of the matters in Item No.2 of Part-II of the Federal Legislative List is to be made by the CCI or the ECC is the subject matter of the proceedings before the Hon'ble Supreme Court in civil appeals No.199 and 200 of 2011 and connected matters. We deem it appropriate for intra Court appeals No.71/2014 and 252/2014 to 298/2014 to be disposed of in terms of the declaration to be made by the Hon'ble Supreme Court on the said issue.

3. Disposed of in the above terms. The appellants would be at liberty to file applications to resurrect these proceedings in the event the appeals pending before the Hon'ble Supreme Court are withdrawn or otherwise disposed of without a declaration on the question of law.

(ARBAB MUHAMMAD TAHIR)
JUDGE

(MIANGUL HASSAN AURANGZEB)
JUDGE