

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 1297 of 2008

IN THE MATTER OF:

An application under Article 102 (2) (a) (i) of  
the Constitution of the People's Republic of  
Bangladesh.

AND

IN THE MATTER OF:

Shah Fatheullah Forging Mill Ltd. and another  
....Petitioners

Versus

Chairman, Dhaka Electric Supply Authority,  
Abdul Goni Road, Dhaka, and others  
....Respondents

Mr. Md. Zafarullah Chowdhury, Advocate  
...For the Petitioners

Mr. Md. Amimul Ehsan, Advocate  
...For the Respondent No. 3

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice S M Saiful Islam

Judgment on 21.06.2026.

Md. Iqbal Kabir, J:

On an application under Article 102 of the Constitution of the  
People's Republic of Bangladesh, at the instance of the petitioners, this  
Rule Nisi was issued in the following terms:

"Let a Rule Nisi issue calling upon the respondents to show  
cause as to why they shall not be directed to take steps to  
prepare the bills of electric consumption as per meter  
reading and also to immediately increase the load of  
electricity to 2500 KW and/or such other or further order or  
orders passed as to this Court may seem fit and proper."

At the time of issuance of the Rule, this Court also passed the  
interim order in the following manner:

"Pending hearing of the Rule, the respondents are directed  
to restore required electricity supply to the mills of the  
petitioners within 15 (fifteen) days, subject to the prior  
payment of Tk.1,00,00,000/- (One crore). The petitioner is  
also directed to pay the current bill regularly as per meter  
reading."

However, the learned Advocate for the respondent No. 3 brings to  
the notice to this Court that they have restored the gas connection as per  
the Court order, but the bills remain pending.

We find that the issues raised by the petitioners and/or respondent involve disputed questions of fact. The parties are at liberty to resolve such disputes through the mechanism of arbitration, as contemplated under section 40 of the BERC Act, 2003, read with Regulation 4 of the BERC Dispute Settlement Regulations, 2014. In such circumstances, this Court does not find the writ petition to be maintainable or the dispute amenable to resolution in this summary jurisdiction.

This Court is also mindful that the legal position, as discussed above, has been consistently endorsed by this Division Bench in earlier writ petitions involving similar questions. We find no reason to depart from that settled position.

Accordingly, the Rule is discharged.

However, this order shall not preclude the petitioners/respondents from seeking an appropriate remedy before the forum as provided under the relevant law, if so advised.

The ad-interim Order granted at the time of issuance of the Rule Nisi is hereby recalled and vacated.

There is no Order as to costs.

Communicate the Order at once.

S M Saiful Islam, J:  
I agree.