

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

Present

Mr. Justice Sikder Mahmudur Razi

And

Mr. Justice Raziuddin Ahmed

Writ Petition No. 14826 of 2024

In the matter of:

An application under Article 102 read with Article 44 of the Constitution of the People's Republic of Bangladesh

And

In the matter of:

Anwar Denim Limited

.....Petitioner.

-Versus-

The Government of the People's Republic of Bangladesh represented by the Secretary, Ministry of Energy and Mineral Resources, Bangladesh Secretariat, Ramna, Dhaka and others.

.....Respondents.

Mr. Nawshad M. Zamir, Senior Adv. with

Mr. Ahmad Naquib Karim, Adv.

.....For the petitioner.

Mr. Mr. Md. Yasir Munir, Advocate

.....For the respondent No. 3.

Mr. Mohammd Mehdi Hasan, DAG with

Mr. Mohammad Rashadul Hassan, DAG with

Mr. Kamrul Islam, AAG with

Mr. Md. Shagar Hossain, AAG with

Mr. Bishwanath Karmaker, AAG with

Mr. S.K. Obaidul Haque (Wasim), AAG

....For the respondent-govt.

The 14th December, 2025

Sikder Mahmudur Razi, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh a Rule Nisi was issued in the instant matter in the following terms;

“Let a rule Nisi be issued calling upon the respondents to show cause as to why the inaction and failure of the respondents in disposing of the application of the petitioner dated 19.11.2024 & 17.11.2024 respectively (Annexure- C & C-1) and thereby failing to increase gas load connection at the required amount of 60458.7664 cft/hour for industrial purpose and 52407.0148 cft/hour for captive power to the petitioner’s company namely, Anwar Denim Limited shall not be declared to have been done without any lawful authority and is of no legal effect and why the respondents shall not be directed to increase gas load at the required amount of 60458.7664 cft/hour for industrial purpose and 52407.0148 cft/hour for captive power to the petitioner company namely, Anwar Denim Limited and/or pass such other or further orders as to this Court may seem fit and proper”.

It is the case of the petitioner that the petitioner, Anwar Denim Limited, is a 100% export-oriented industrial company employing several hundred workers. The petitioner has been operating with an existing gas connection provided by the respondent gas distribution company and has been regularly consuming gas for both industrial production and captive power generation.

Pursuant to its expanding production capacity and increasing export orders, the petitioner applied for enhancement of its existing gas load by submitting applications dated 19.11.2023 and 17.11.2024. By those applications, the petitioner sought an increased gas load of 60,458.7664 cft/hour for industrial purposes and 52,407.0148 cft/hour

for captive power generation. As the said applications were not disposed of by the respondents, the petitioner invoked the writ jurisdiction of this Court.

Earlier, upon the petitioner's application, the respondent gas company approved a gas load of 1,800 cft/hour for industrial use and 16,320 cft/hour for captive power. Pursuant to the said approval, the petitioner entered into two contracts with the respondent. In anticipation of enhanced production, the petitioner imported state-of-the-art machinery after obtaining necessary approval from the Board of Investment. It is stated that a loan amounting to Tk. 400 crore is awaiting disbursement, which is contingent upon approval of the increased gas load. According to the petitioner, the existing gas supply is wholly inadequate to meet current production demands, and failure to enhance the gas load poses a serious risk to the viability of the enterprise.

The petitioner has also relied upon recent policy developments. On 23.07.2025, the respondent company issued a *Paripatra* (official circular) emphasizing that industrial enterprises are to be given priority in gas allocation (Rule 1). The same circular further provides that industries using high-efficiency cogeneration or tri-generation systems with at least 70% efficiency may be granted new gas connections or enhancement of gas load (Rule 2(kha)). The petitioner claims to have already installed four such high-efficiency generators and, therefore,

contends that its prayer squarely falls within the respondent's own policy framework.

Mr. Nawshad M. Zamir, learned Senior Advocate, appearing for the petitioner along with Mr. Ahmad Naquib Karim, learned Advocate, submits that in a series of similar matters the Hon'ble High Court Division was pleased to dispose of the Rules with directions upon the respondents to grant increased gas load to industrial units. Against those judgments, the respondents moved the Hon'ble Appellate Division and the Hon'ble Appellate Division through a series of judgments and orders upheld the judgment of the High Court Division and thereby the issue relating to gas connection for industrial and captive power purposes has been settled.

The learned Senior Advocate next submits that the respondents are granting increased gas load in a pick and choose manner and are discriminating against the petitioner, despite the petitioner being similarly situated. Such discrimination, according to him, is evident from the recent minutes of board meetings wherein captive power gas connections were granted from the very same distribution line.

He next contends that the failure of the respondents to grant the increased gas load to the petitioner is *malafide* and not in accordance with law. According to him, the petitioner has a legitimate expectation of receiving the enhanced gas load, particularly in the absence of any embargo on such enhancement and in view of the fact that the petitioner

already enjoys a substantial allocation. He therefore prays for a direction upon the respondents to grant the increased gas load in the interest of justice.

Per contra, Mr. Md. Yasir Munir, learned Advocate appearing for respondent No. 3, Titas Gas Transmission and Distribution Company Limited, by filing an affidavit-in-opposition submits that the letters of the petitioner has already been disposed of by letter dated 06.03.2025 (Annexure 3 to the affidavit-in-opposition) stating that the gas connection of the petitioner is connected to 8'inch (dia) X 50PSIG distribution network arising from Gazaria TBS in which network, there is no capacity of connecting additional gas load and for this reason increasing gas load of the petitioner in industrial and captive category is currently not possible. The learned advocate next submits that the said letter was issued based on calculation dated 29.03.2021 issued by Zonal Sales Office, Titas Gas Transmission and Distribution PLC (Annexure-3A to the affidavit-in-opposition).

Our attention has been drawn to the relevant portion of the said calculation wherein it has been mentioned as follows:

অনুচ্ছেদ ১.২২-তারিখঃ ২৯/৩/২১ ১১:৩৬ পূর্বাহ্ন

বিতরণ নেটওয়ার্কের আলোচ্য অংশে আলোচ্য গ্রাহকসহ নুতন সংযোগ ও বিদ্যমান গ্রাহকের লোড বৃদ্ধির বিষয়ে মতামত প্রদানের জন্য পিডিভিতে প্রেরণ করা হয়েছে এমন আবেদিত/অপেক্ষাধীন গ্রাহকের লোড এবং বিদ্যমান বিতরণ নেটওয়ার্কের সক্ষমতা না থাকায়, সার্বিক পরিস্থিতি বিবেচনায়, গজারিয়া টিবিএস এর আওতাধীন অংশের বর্তমান ও ভবিষ্যৎ গ্যাস চাহিদা বিবেচনায় নিয়ে বিদ্যমান বিতরণ নেটওয়ার্কের সক্ষমতা বৃদ্ধির উপরিপিত প্রস্তাবনা উপরিপন করা হয়েছে, যা নিম্নরূপঃ

ক্রঃ নং	নেটওয়ার্কের সক্ষমতা বৃদ্ধির প্রস্তাবনা	পিডিডিংতে প্রেরিত হয়েছে এমন আবেদিত/অপেক্ষাধীন নতুন সংযোগ/লোড বৃদ্ধিজনিত লোড (ঘনফুট/ঘণ্টা)
১।	গজারিয়া টিবিএস এর প্রয়োজনীয় মডিফিকেশনকরতঃ উক্ত টিবিএস হতে মেঘনা ব্রীজ অভিযুক্তে ১৬' x ১৪০ পিএসআইজি বিতরণ লাইন নির্মাণ।	১,৮৩,৮৭৯ (০৩ জন)+ ৩৮,২৮৮ (আলোচ্য গ্রাহক) মোট= ২,২২,১৬৭

বিতরণ নেটওয়ার্কের সক্ষমতা বৃদ্ধির উত্থাপিত প্রস্তাবনা বাস্তবায়ন প্রক্রিয়াধীন রয়েছে এবং উক্ত প্রস্তাবনা বাস্তবায়ন সাপেক্ষে গ্রাহকের আবেদিত লোড-বন্দি বিবেচনা অথবা সংশ্লিষ্ট নেটওয়ার্ক অংশের গ্রাহক/অপেক্ষাধীন গ্রাহকসমূহের সম্মিলিত ব্যয়ে উক্ত প্রস্তাবনার প্রযোজ্য অংশটুকু নির্মাণ করা যেতে পারে।

অনুচ্ছেদ ১.২৩-তারিখঃ ২৯/৩/২১ ১১:৩৪ পূর্বাহ

নথির অনুচ্ছেদ ১.১৯ এর চাহিদা মোতাবেক উপরোক্তিত অনুচ্ছেদসমূহে নেটওয়ার্কের পাইপলাইনে বর্তমান সক্ষমতা উন্নয়ন বিষয়ে কারিগরী মতামত প্রদান করা হল। সদয় অবগতি ও পরবর্তী কার্যার্থে সর্বিনয়ে পেশকৃত।

However, the learned Advocate fairly submits that the respondent has no objection if the Rule is disposed of in the light of the observation as evident from clause 1.22 of annexure 3A of the affidavit-in-opposition.

In response, the learned Advocate for the petitioner has also conceded to the said submission.

Be that as it may, we are not inclined to enter into any further disquisition on the merits of the dispute. Rather, considering the consensual submissions of the learned Advocates for both parties, we deem it appropriate to dispose of the matter accordingly.

Accordingly, the Rule is disposed of with direction. The respondent No. 3 is directed to consider the prayer for increasing the gas load to the petitioner's factory/premise as prayed for, subject to the implementation of the proposal as evident from clause 1.22 of the calculation dated 29.03.2021 issued by Zonal Sales Office, Titas Gas Transmission and Distribution PLC (Annexure-3A to the affidavit-in-opposition).

Communicate the Judgment and order to the concerned authority at once.

(Sikder Mahmudur Razi, J :)

I agree.

(Raziuddin Ahmed, J:)