

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. 15358 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:

AT & T Spinning Mills 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. Ashfaqur Rahman, Advocate

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

Mr. Mohammad 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 29.11.2024 & 03.12.2024 respectively (Annexure- C & C-1) and thereby failing to increase gas load connection at the required amount of 140000 cft/hour for captive power (additional load increase of 68000 cft/hr) to the petitioner’s company namely, AT & T Spinning Mills 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 140000 cft/hour for captive power (Additional load increase of 68000 cft/hr) to the petitioner company namely, AT & T Spinning Mills 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 A T & T Spinning Mills Limited is a 100% export-oriented spinning mill and one of the leading textile industries of the country, employing several thousand workers. The petitioner was initially granted approval by the respondent gas company, Titas Gas Transmission and Distribution Company Limited, for a gas connection of 72,000 cubic feet per hour (cft/hr) for industrial use and an additional 72,000 cft/hr for captive power (generator) purposes.

Anticipating expansion of its production capacity, the petitioner entered into necessary agreements with the respondent company and, at its own cost, constructed a dedicated gas pipeline along the Dhaka–Mymensingh Highway to ensure uninterrupted and adequate gas

supply. For this purpose, the petitioner invested approximately Tk. 30 crore. The said dedicated pipeline was intended to ensure sufficient gas pressure and volume exclusively for the petitioner's factory.

With the expansion of its production facilities, the petitioner applied for enhancement of its gas load on two occasions, first on 29.11.2021 and thereafter on 03.12.2024. The prayer was for enhancement of the captive power gas supply to a total of 1,40,000 cft/hr, requiring an additional 68,000 cft/hr over the existing allocation of 72,000 cft/hr. The petitioner asserts that it is among the country's top exporters and has invested in modern, state-of-the-art machinery with due approval from the Board of Investment to meet increasing international demand. It has been contended that without the additional gas load, the newly installed machinery and expanded facilities cannot be operated optimally. According to the petitioner, continuation of production with the existing gas allocation is insufficient to meet export commitments and may result in serious operational setbacks, even leading to possible bankruptcy.

It has further been stated that the dedicated pipeline constructed by the petitioner has a substantial capacity of approximately 30 lakh cft/hr. Even after supplying gas to all existing consumers connected to that line, including third-party users, around 10 lakh cft/hr of capacity remains unused, whereas the petitioner seeks only an additional 68,000 cft/hr. A technical report on record also indicates that the gas pressure

at the inlet of the pipeline is about 85 PSIG, while each factory requires only around 15 PSIG for smooth and uninterrupted operation.

The petitioner has also expressed grievance that despite its prior allocation and significant investment in the dedicated pipeline, several other factories were subsequently allowed to take gas connections from the same line. It has specifically been stated that factories such as Square Denim, Euro Knit and others were provided connections from the pipeline constructed by the petitioner, allegedly in breach of the assurance that the line would primarily serve the petitioner's factory. It is further asserted that at the time of the initial gas sanction in 2021, many of those factories were not even included in the connection plan for the said line. By granting new connections without first ensuring fulfillment of the petitioner's full requirement, the respondents have violated the petitioner's legitimate expectation and acted in an inequitable manner. Nevertheless, even after such third-party connections, the pipeline capacity remains sufficient to accommodate the petitioner's additional demand.

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 constructed by the petitioner.

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. Ashfaque Rahman, learned Advocate appearing for respondent No. 3, Titas Gas Transmission and Distribution Company Limited, by filing an affidavit-in-opposition submits that the gas supply to any consumer fundamentally depends on the overall gas flow available in the national grid and the distribution network. He draws attention to a technical report annexed to the affidavit-in-opposition as Annexure-4A, wherein the prevailing technical constraints have been explained which is as follows;

গ্রাহকগণের লোড বিবেচনায় প্রবাহক্ষমতার অতিরিক্ত লোড সংযোজন থাকা এবং মেসার্স এটিএন্ডটি লিমিটেড ও মেসার্স এনভায় টেক্সটাইলস লিমিটেড এর অনুমোদিত লোডের গ্যাস সরবরাহের তারতম্য না ঘটিয়ে উক্ত লাইনে অন্যান্য গ্রাহকের লোড সংযোজনের ক্ষেত্রে মহামান্য আদালতের সময় নির্দেশনা প্রতিপালন মোতাবেক, আলোচ্য ১৬ x ১৪০ পিএসআইজি বিতরণ লাইন ও উক্ত লাইন হতে উৎসারিত ১৪০ পিএসআইজি বিতরণ লাইনসমূহে আরও অতিরিক্ত লোড সংযোজনের সক্ষমতা নেই মর্মে প্রতীয়মান হয়।

However, the learned Advocate fairly submits that the respondent has no objection if the Rule is disposed of with a direction upon respondent No. 3 to conduct a feasibility test in accordance with law and to act on the basis of such report.

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 conduct a feasibility test, in accordance with law, to assess the technical viability of providing an additional 68,000 cft/hr gas supply to the petitioner's captive power system within a period of 90 (ninety) days from the date of receipt of a copy of this judgment and order, and thereafter to act strictly in accordance with the findings of such report.

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

(Sikder Mahmudur Razi, J :)

I agree.

(Raziuddin Ahmed, J:)