

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI

Misc. Appeal No.41 of 2018
[M/s. Axact (Pvt) Ltd. Vs. PEMRA and others]

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| <i>Date</i> | <i>Order with signature of Judge</i> |
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04.11.2025

M/s. Abdul Karim Khan and Muhammad Zaheer, Advocates
for the appellant.
Mr. Kashif Haneef, Advocate for the respondent-PEMRA.

ARSHAD HUSSAIN KHAN, J. The appellant-M/s. Axact, through the instant Miscellaneous Appeal, has called in question the order dated **07.05.2018**, passed by the Pakistan Electronic Media Regulatory Authority [PEMRA] bearing Reference No. 1(01)/PEMRA-KHI/RGM/COC/0831, whereby the complaint filed by the appellant was deferred until the final decision of the Hon’ble Supreme Court of Pakistan in the *suo motu* proceedings initiated in the said matter.

2. Learned counsel for the appellant, while referring to the impugned order, contends that no such matter is presently pending adjudication before the Hon’ble Supreme Court of Pakistan. It is submitted that the respondent-PEMRA, without lawful justification, deferred the appellants’ complaint on the pretext of awaiting the outcome of an alleged *suo motu* proceeding before the Supreme Court.

3. When this Court inquired from the learned counsel for PEMRA regarding the alleged *suo motu* proceedings stated to be pending before the Hon’ble Supreme Court of Pakistan, he candidly submitted that PEMRA is not a party to those proceedings and, therefore, he could not ascertain or produce any record pertaining to such case.

4. From the record, it appears that this appeal is pending since 2018. Despite having been granted sufficient opportunities, the respondent-PEMRA failed to furnish any particulars or documentary record of the alleged *suo motu* proceedings purportedly pending before the Hon’ble Supreme Court of Pakistan. In the absence of any

such material or clarification, this Court finds support in the contention advanced by learned counsel for the appellant that no such case is, in fact, pending before the Supreme Court. The continued reliance upon an unverified and indeterminate proceeding cannot justify indefinite deferment of the appellant's complaint.

5. In the circumstances, the action of PEMRA in indefinitely deferring the appellant's complaint on the pretext of an unspecified *suo motu* case is found to be arbitrary, without lawful justification, and contrary to the mandate of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002. The Authority, being a statutory body, is bound to decide complaints within its jurisdictional framework and cannot abdicate its responsibility on speculative grounds. Accordingly, the impugned order dated 07.05.2018 is set aside. PEMRA is directed to consider and decide the appellant's complaint strictly in accordance with law, after providing a fair opportunity of hearing to all concerned, within a period of sixty (60) days from the date of receipt of this order.

The appeal stands disposed of in the above terms

JUDGE