

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-987 of 2025

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

- 1.For order on office objection
- 2.For hearing of CMA No.5254/2025
- 3.For hearing of main case

07.04.2025

M/s. Zameer Hussain Ghumro, Malik Naeem Iqbal & Faizan H. Memon,
Advocates for the petitioner.

Mr. Jawad Dero, Advocate General, Sindh.

Mr. Mohsin Qadir Shahwani, Additional Attorney General.

Mr. Kafeel Ahmed Abbasi, Addl. A.G.

Sajid Ali Bhutto, Secretary Irrigation Department, Government of Sindh.

Both the Law Officers of the Federation and Province seek time to file Para-wise Comments. Ten days' time is granted to file Para-wise Comments along with Documents and an advance Copy be provided to the Petitioner's Counsel.

During hearing it is not disputed by the Respondents, that the Respondent No.5 - the Federal Member of IRSA (Respondent No.3) is not from the Province of Sindh. Learned Counsel for the Petitioner has emphasized that since the current composition of IRSA is not in accordance with Law, viz. The Indus River System Authority Act, 1992 and the Executive Order [Dated 10-7-2000], which has been affirmed **by this Court in its earlier Judgment** handed down in C.P. No.D-5206/2013, therefore, the Certificate dated 25.01.2025 issued by the Secretary of Respondent No.3 be suspended, on the basis of which the present water dispute has arisen, *inter alia*, for transferring water through Link Canals for Cholistan Area.

Prima facie, contention appears to be correct, because the above Judgment of this Court has attained finality, according to which the Member representing the Federation is to be from Sindh Province, but, the present incumbent [Respondent No.5] is not [from this Province]; thus, the present structure of Respondent IRSA is under serious dispute. In these circumstances, and looking at the sensitivity of the issue, the propriety demands, that Respondents should not take any further action and measures in pursuance of the above Water Availability Certificate dated 25.01.2025.

At this juncture, we may observe that Article 155 of the Constitution, provides a dispute resolution mechanism, including, appointment of

Commission of experts. On our query, the learned Advocate General Sindh, has stated that the above Provision has been invoked.

To be listed on 18.04.2025 at 09:00 a.m.

Judge

Judge

Aadil Arab