

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

J. C. M. No.32/2011

[SARDAR MUHAMMAD ASHRAF KHAN AND ANOTHER VS. AL-MOHANDIS (PVT)
LTD AND OTHERS]

Date of hearing: 09.03.2026.

Date of decision: 09.03.2026.

Petitioner: Through Mr. Abdul Qadir Khan.

Respondents: Mr. Muhammad Aziz khan advocate for respondent
No.1.
Mr. Mushtaq Ahmed Lghari, Official Assignee

ORDER

Muhammad Osman Ali Hadi, J: Learned counsel for the Petitioner submits that this winding up Petition was filed in the year 2011, and has remained in its ordinary course without conclusion. He states the matter has remained pending despite a lapse of over 15 years, for no apparent reason.

2. Learned counsel submits that the Respondent Company has failed to pay its debts, and has not been auditing its' account and has also failed to hold the Annual General Meeting. He further submits that the Respondent No.1 has been non-functional and in-operative for the last 17 years. Learned counsel contends that under Part-X of the Companies Act 2017, in particular with reference to sections 301-304, the Respondent Company is liable to be wound up as it has *inter alia* defaulted on several of its statutory obligations, as well as being insolvent and no longer conducting any business.

3. The said Company is officially defunct, nor does it remain in existence (at least for any practical purposes). Furthermore, it appears that the Respondent Company has remained unable to fulfil statutory requirements for the past several years, in addition to no longer to be a functional unit. No valid rationale appears in keeping the Company alive on paper.

4. Notices were issued and publication was made in one daily Urdu '**Jang**' dated 12.09.2022 and one daily English '**The News**' dated 12.09.2022.

5. Despite objections having been filed on behalf of Respondent No.1 several years ago, no one has been pursuing the matter on behalf of the Respondents regarding the said winding up. As per comments filed by the SECP, they have also given no objection to the same, and have confirmed that the Respondent Company has not filed its Annual Statutory Returns and Annual Accounts since the past many years.

6. In view of hereof, there remains no impediment for granting of the instant Petition. Consequently, the Respondent Company is ordered to be wound-up and all consequent applicable legal and codal formalities are to be followed. Accordingly, the instant Petition is allowed.

7. Furthermore, the Petitioner prays to appoint the Official Assignee as the Official Liquidator. Order accordingly.

8. Learned Official Assignee is present and submits that as per order dated 03.11.2025, the respondent No.1 was to provide a report on the affairs of the company, which has not been done. Learned counsel appearing for respondent No.1 submits that due to severe mismanagement and non functioning of the Respondent No.1 over the past years, no such record is available and therefore the report cannot be made. The official assignee is to continue acting as the Provisional Manager, to conclude the winding up proceedings. He shall have all the powers available in law to look into the affairs of the company, and he may seek assistance from any relevant authority in this matter, such as Security and Exchange Commission of Pakistan.

Petition Allowed.

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