

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2686 of 2018

Date **Order with signature of Judge**

Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Khawaja Muhammad Asghar.....Petitioner

Versus

D.G. S.B.C.A. & another.....Respondents

15.01.2019

Petitioner present in person.
Mr. Anwar Ali Shah, Advocate for SBCA.

Muhammad Ali Mazhar, J: The case of the petitioner is that in the year 2014 he applied to the Director, Licensing Department, Sindh Building Control Authority (SBCA) for granting license of Geo-Tech Consultant (Soil Sciences and Foundation Engineering). This application remained undecided for a long period and in the meanwhile the petitioner was sending reminders, however, vide letter dated 19.02.2018 the Deputy Director, License Section, SBCA informed the petitioner that his case was examined by the license committee on 15.02.2018 and the committee has not recommended his case for grant of license owing to non-existence of laboratory equipped with required facilities. The petitioner argued that he applied for the license of Geo-Tech Consultant and not for the license of Geo-Tech Laboratory. The learned counsel for the respondent No.1 referred to page 131, Regulation-4.1.2 which provides qualification for Geo-Technical Laboratory i.e. fully equipped laboratory having technical staff with Geo-tech consultant registered with PEC as consultant (Geology or Soil Science) and list of all soil testing equipment required. The learned counsel for the SBCA initially argued that since the petitioner could not fulfill the requirements, therefore, his application was rejected, however, when we confronted him to this very requirement that the petitioner has not applied for the Geo-Tech Laboratory but he

has applied for Geo-Tech Consultant license even in the requirement laid down under Karachi Building & Town Planning Regulations, 2002 for the Geo-Tech Laboratory besides having fully equipped laboratory having technical staff, there is also a requirement of Geo-Tech Consultant registered with PEC as consultant. This is not the case of the petitioner that he is asking for the license to operate Geo-Tech Laboratory but his case is simply confined for the license of Geo-Tech Consultant. There is a sharp distinction between the two licenses. If the license of Geo-Tech Consultant is given, it does not mean that he will operate his individual laboratory under the guise of such license. On the contrary if a person is granted license for Geo-Tech Consultant, he may render his services to any Geo-Tech Laboratory for which the Geo-Tech Consultant is one of the basic requirements. After arguing at some length, the learned counsel for the respondent No.1 proposed that the case of the petitioner will be again referred to the licensing committee for deciding the matter afresh in view of the Karachi Building & Town Planning Regulations, 2002 in vogue. The petitioner has accepted this proposal. This petition is disposed of with the directions to the licensing authority constituted under the Karachi Building & Town Planning Regulations, 2002 to consider the case of the petitioner afresh and pass a speaking order after providing him ample opportunity of hearing. This exercise should be completed within a period of one month. Pending applications are also disposed of.

Judge

Judge

Asif

