

**ORDER SHEET**

IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-1114 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGES
------	--------------------------------

<b>Present:</b>	<b>Mr. Muhammad Ali Mazhar</b> <b>Mr. Justice Agha Faisal</b>
-----------------	--

Pakistan Broadcasters Association	-----	Petitioner
-----------------------------------	-------	------------

Versus

Federation of Pakistan and another	-----	Respondents
------------------------------------	-------	-------------

**25.02.2019**

Mr. Faisal Siddiqui, Advocate for the Petitioner  
Mr. Ishrat Zahid Alvi, Assistant Attorney General  
Faqeer Liaquat Ali, Deputy General Manager, PEMRA alongwith  
Syed Sikandar Ali, DG PID on behalf of Federal Secretary for  
information and Broadcast.

\*\*\*\*\*

**Muhammad Ali Mazhar, J:-** The case of the petitioner is that they had filed C.P. No. D-5341/2014 on the ground that there is no more space for issuing new TV channel licenses. The petition was heard by learned Division Bench on 19.04.2016 and after hearing the learned Counsel for the parties, Counsel for the petitioner contended that he would be satisfied if the petition is disposed of with direction to PEMRA to decide the representation of the petitioner within thirty days. Learned Division Bench of this Court disposed of the petition in the same line with the observation that this order would not construe any impediment for the Respondent No. 2 (PEMRA) to proceed with process of issuing licenses initiated pursuant to the advertisement impugned. The representation was decided but the petitioner was not satisfied, therefore, filed M.A. No. 03/2017 before the learned Single Judge of this Court, which was decided on 04.02.2019 and by consent of learned Counsel present in Court, the matter was remanded to Respondent No. 1 to decide the issue afresh after detailed deliberation and affording fair opportunity of being heard to the appellant and pass a speaking order/decision. The entire exercise was directed to be completed within two (02) months' time from the date of fresh application to be submitted by the appellant.

Since the order has not been complied with, therefore, petitioner has approached this Court through this petition afresh. On notice, Mr. Kashif Hanif has shown appearance for PEMRA and file Vakalatnama

today alongwith parawise comments. He further informed the Court that the PEMRA has fixed a date to decide the representation of the petitioner on 28.02.2019 in Islamabad but vide letter dated 22.02.2019 communicated to PEMRA that their key representative would not be available, therefore, request has been made for the fixation of date after 6<sup>th</sup> March, 2019.

Mr. Faisal Siddiqui, advocate on oral motion informed the Court that key representative is the Chairman of PBA, who is going to perform Umrah and he would be returned back on 7<sup>th</sup> March, 2019.

Mr. Kashif Hanif, advocate appearing for PEMRA submits that PEMRA will hear the petitioner on 12<sup>th</sup> March, 2019 at the same venue at same time. Mr. Faisal Siddiqui, advocate submits that till such time, the process of issuing licenses may be stopped and shall not be finalized. At this juncture, we asked what is the current position of fresh application, Mr. Kashif Hanif submits that cut of date of receiving application was 06.02.2019, thereafter scrutiny will be done thereafter the shortlisted candidates will be invited for bidding and after declaring the successful bidder, public hearing will be conducted and credentials of the applicant will be provided for security clearance and after complying with aforesaid requisite formalities, the presentation will be made by the successful bidder for mix-programming contents and thereafter license will be issued.

Since it is long list of formalities required to be completed by the applicants for issuing licenses that will obviously take some time, therefore, we dispose of this petition with the directions to PEMRA to hear the representation of Petitioner on 12<sup>th</sup> March, 2019 and pass speaking order within 15 days in compliance of directions given in M.A No. 03/2017. Petition is disposed of alongwith listed applications.

**JUDGE**

**JUDGE**

