

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8810 of 2017

Date	Order with signature of Judge
------	-------------------------------

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

Syed Mubashir Imam.....Petitioner

V E R S U S

Federation of Pakistan & others.....Respondents

13.03.2019

Prof. M. Masood Khan, Advocate for the Petitioner.

Mr. Ishrat Zahid Alvi, Assistant Attorney General.

- - - - -

Muhammad Ali Mazhar, J: The petitioner has impugned the order dated 07.11.2017 passed by the Deputy Director, Directorate General of Trade Organizations (respondent No.3). The learned Assistant Attorney General raised the objection on the maintainability of this petition that against the impugned order a remedy to file appeal is provided under the Trade Organizations Act, 2013 and the appropriate remedy is to file appeal before the Director General, Trade Organizations. The learned counsel for the petitioner admits that no appeal has been filed by the petitioner, however, he submits that the petitioner may be allowed to file appeal to the Director General, Trade Organizations to challenge the aforementioned impugned order in accordance with the law but by efflux of time the appeal has become time barred. He further requests that the time consumed by the petitioner in this petition may not be reckoned in the limitation period of

filing appeal. To decide the question of limitation, it is the province of the appellate forum and this court may not be in position to extend or enlarge the limitation period for filing appeal, however, it is admitted fact that instead of challenging the order before the appellate forum, the petitioner has approached this court in which certain period of time has been consumed. The petition is dismissed. However, the petitioner may file appeal before the Director General, Trade Organizations subject to all just exceptions. It is further clarified that if the petitioner files any appeal, we expect that the Director General, Trade Organizations shall consider the issue of limitation vis a vis the period consumed in the petition if any sympathetically.

Judge

Judge

Asif

