

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P. Nos.D-8666, 7951 of 2017,
219 & 440 of 2018

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

30.10.2018

M/s. Abdul Sattar Pirzada, Mamoon N. Ch.,
& Ijaz Ahmed Zahid,
Advocates for Sugar Mills Owners.
Syed Mureed Ali Shah, Advocate/Petitioner
in C.P No.D-7951/2017.
Applicant Qaim Ali Jatoi, Advocate present.
Mr. Aqib Rajpar, Advocate for Petitioner in
C.P. No.D-440/2018.
Quaimuddin Khawaja, Advocate present.
Mr. Rafiq Ahmed Kalwar, Advocate for
the Applicants.
Mr. Adel Abid, Advocate for Respondent No.7/
Sindh Abadgar's Board & Intervenor Sindh Growers
Alliance.
Mr. S.M. Azad, Advocate for Respondent No.8.
Aga Zaheeruddin, Secretary Agriculture present.
Engr. Abdul Samad Shaikh, Focal Person for
Legal Matters, Agriculture Department present.
Mr. Kabool Muhammad Khatian,
President Sindh Chamber of Agriculture present.
Mr. Nabi Bux Sahito, SVP-SCA present.
Abdul Qayyum Rajput, Deputy Director/Technical
Officer, Cane Commissioner Office present.
Nawab Zubair Talpur, President Sindh Growers
Alliance present.
Mehmood Nawaz Shah, Senior Vice President
Sindh Abadgar's Board present.
Mr. Miran M. Shah, Addl. A.G.
Mr. Tahir Durrani, State Counsel.

Muhammad Ali Mazhar-J. In compliance of the last order,
Aga Zaheeruddin, Secretary Agriculture is present.
According to Abdul Qayyum Rajput, Deputy
Director/Technical Officer, Cane Commissioner Office
received various applications from the growers which are to

be considered by the Cane Commissioner to address their grievances. We have noted that various orders have been passed by the different learned divisional benches but the bone of contention is unresolved. Still various individual growers are claiming that their payments have not been made by the Sugar Mills. Some growers are complaining that they have been paid less amount than due whereas M/s. Abdul Sattar Pirzada and Ijaz Ahmed Zahid, learned counsel for the Mill owners submit that substantial amount has already been paid by the sugar mills to the growers directly. In our considerate view, proper reconciliation exercise is required to be conducted in order to decide the actual controversy without which no definite conclusion can be arrived at by this court with regard to the claims made vice versa. It is also matter of fact that the various factual controversies are involved which cannot be resolved in the constitutional jurisdiction. Even in some previous orders directions were given to the mill owners to pay off their liabilities but the fact remains that unless the amount is properly reconciled, the court cannot reach to any definitive conclusion.

2. After arguing at some length, the learned counsel appearing for Sugar Mills as well as the growers agreed to a modality that a high-powered committee may be formed under the supervision of Secretary Agriculture, Government of Sindh for conducting exercise of reconciliation with regard to the applications moved by the growers to the Cane Commissioner alleging non-payment of their dues. By consent the Committee is constituted with further directions to be complied with as under:

- (a) The Cane Commissioner shall be the Chairman of the Committee with following members:

- (i) Nawab Zubair Talpur, President Sindh Growers Alliance.
 - (ii) Mehmood Nawaz Shah, Senior Vice President Sindh Abadgar's Board.
 - (iii) Mr. Kabool Muhammad Khatian, President Sindh Chamber of Agriculture.
 - (iv) Three members/representatives of Pakistan Sugar Mills Association Sindh Zone shall be nominated by the Sugar Mills owners. The names of the members of the Committee shall be intimated by Mr. Abdul Sattar Pirzada Advocate to the Secretary Agriculture within three days in writing.
 - (v) After receiving the names from the Mill Owners' Association of their nominated members, the Secretary Agriculture will circulate a letter/notification in writing for the constitution of this Committee in pursuance of the order passed today in these petitions.
- (b) The applications submitted to the Cane Commissioner by the growers (**total 1300 applications**) shall be examined by the Committee separately and on individual basis.
- (c) The Committee shall call each applicant individually for the verification of his claim. If any applicant for some reasons may not be able to appear in person, he may appoint his

representative/attorney with proper authority letter/power of attorney which will be produced before the Committee at the time of providing right of audience. The applicants shall produce all relevant documents before the Committee in support of their claim for unpaid dues.

- (d) The Committee shall also call the representative of the Sugar Mills and ask them to produce all relevant documents in the support of payment if any made by them to the growers/applicants.
- (e) After proper reconciliation of each individual claim, the Chairman of the Committee (Cane Commissioner) shall submit the report duly signed by him and other members to the Secretary Agriculture, Government of Sindh.
- (f) The Committee shall hold their sessions for completing the exercise of reconciliation in the office of Cane Commissioner at Hyderabad from 9:00 A.M daily in working hours.
- (g) Though in the Committee seven members have been appointed with the consent but in case any member from either side fails to attend the Committee Session due to any disability or exigency, the Chairman shall not adjourn the session but continue the reconciliation exercise with the quorum of at least two Members from each side.
- (h) The Committee shall complete the reconciliation task within a period of 45 days and the report

shall be submitted by the Secretary Agriculture in court.

- (i) All members shall ensure that they will diligently attend the meeting and will perform their duties fairly, transparently and effectively so that the Committee may complete the task within the stipulated time frame.

3. The learned counsel representing the growers pointed out that contempt applications are also pending. Let the Committee complete its task and submit the reconciliation report in court with its outcome thereafter contempt applications will be considered.

4. Office is directed to place copy of this order in all above listed petitions with further directions to transmit the copy of this order to the learned Advocate General Sindh, Secretary Agriculture, Government of Sindh and the Cane Commissioner for compliance. By consent adjourned to 18.12.2018 at 11:00 a.m.

Judge

Judge

Asif