

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

C.P. No.D-3366 of 2016

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.  
For hearing of M.A. No.19107/2016.  
For hearing of M.A. No.253/2017.  
For hearing of main case.

12-08-2020

Mr. Imtiaz Ali Chanhio advocate for the petitioner.  
Mr. Allah Bachayo Additional Advocate General.  
Mr. Muhammad Humayoon Khan Deputy Attorney General.  
Mr. Riaz uddin Qureshi advocate for respondents No.2 & 3.

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Through this petition the petitioner has prayed for the following reliefs:-

- a. *To set-aside the letter/ notification dated 29.08.2016, whereby the respondents have imposed penalty on the petitioner so also this honorable Court may kindly be declared the act of respondents is illegal, malafide, void, abinitio, unjustified, ultravires, against the principle of natural justice and in violation of law as well as constitution.*
- b. *That this Honorable Court may be pleased to issue ad-interim injunction/ stay in favor of the petitioner against the respondents restraining and preventing them from recovering so called imposition of penalty amount from the petitioner through themselves, their attorneys, police and etc till the final disposal of the petition.*
- c. *Any other relief which this honorable court may deem fit and proper be awarded to the petitioner.*

Precisely facts of the case are that OGRA is practicing using the visit the site of each and every outlet as such on 22.03.2016 the officials of OGRA have visited the site at the petitioner outlet and found the petitioner was selling the products more than the notified price by PMG Rs.3.31 and HSD 3.37 as such OGRA issued show cause notice to PSO mentioning therein that the site in question was selling the produces more than the notified price by PMG Rs.3.31 and HSD 3.37.

It is stated by learned D.A.G. that vide order dated 23.04.2019 Rs.500,000/- fine in compliance of order dated 27.03.2019 was deposited by the petitioner in the office of Additional Registrar of this Court.

On perusal of case file it appears that fine was imposed but on Court query it is stated by learned counsel for the petitioner that he has not approached to the OGRA authorities by filing any appeal which was supposed to be filed. During the course of arguments we have specifically asked question from the learned counsel for the petitioner that why he has not filed appeal when law permits to do so, he has no satisfactory answer, however, he submits that this petition may be disposed of alongwith listed applications and he may be allowed to file appeal before OGRA authorities within 15 days. Order accordingly. It is further directed that after filing appeal by the petitioner against the impugned order the OGRA authorities shall decide the same after hearing the parties as per law within a period of 45 days under intimation to this Court for our perusal. The amount so deposited by the petitioner before Additional Registrar of this Court shall be subject to order passed by OGRA authorities.

In view of above, this petition stands disposed of.

JUDGE

JUDGE