

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-5648 of 2020

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Arshad Hussain Khan.

Ahsan RazaPetitioner

Versus

Ministry of Food & othersRespondents

Date of hearing 01.12.2020

Mr. Nusrat Gul Malik advocate for the petitioner.

Mr. M.S. Bukhari advocate for the Sindh Food Authority.

Mr. Shahriyar Mehar, AAG.

Saad Hussain Khan, Food Safety Officer, Sindh Food Authority.

Muhammad Ali Mazhar, J: In compliance of the order dated 27.11.2020, Saad Hussain Khan, Food Safety Officer, Sindh Food Authority is present and he has submitted statement along with some documents. According to him, due to some deficiencies, the kitchen was sealed and certain violations committed by the petitioner have also been placed on record through a memo. He further submits that the petitioner was also not following the Covid-19 SoPs circulated by the Government of Sindh. According to the laid down procedure, the Food Safety Officer further apprised us that the petitioner has to submit an affidavit for desealing the kitchen with certain timeline to comply with all requisite formalities including implementation of Covid-19 SoPs, thereafter, fresh

inspection will be carried out. So far as violation committed the Sindh Food Authority has jurisdiction to impose fine which has to be paid by the petitioner. Learned counsel for the petitioner agrees on instructions of the petitioner that petitioner will submit an affidavit with further undertaking to the Sindh Food Authority for the compliance of all requisite formalities and removal of deficiencies. He further submits that in future he will comply with Covid-19 SoPs circulated by the Government of Sindh in letter and spirit. So far as imposition of fine is concerned, learned counsel submits that some reasonable amount of fine may be imposed. The petitioner may submit an affidavit with timeline and on submitting affidavit, the kitchen will be desealed by the Sindh Food Authority as stated by Food Safety Officer, thereafter, the re-inspection will be carried out after expiry of the specified timeline mentioned in the affidavit. As far as fine is concerned, it is up to the Sindh Food Authority to consider the reasonable penalty that can be imposed on the petitioner. Today Mr. Pervaiz Ahmed Bhatti advocate has also filed vakalatnama for respondent No.3, whereas, respondent No.4 is also present. They have been arrayed on the plea that on their instigation, the Sindh Food Authority made a raid to the premises but the Food Safety Officer present in court denied this statement and submits that the said respondent No.3 to 5 having nothing to do with the raid. The respondent No.3 & 4 submit that they have not lodged any complaint but they have some other issues with the petitioner for which they

have already lodged a complaint to the Sindh Building Control Authority and they will pursue their complaint in accordance with law. Petition is disposed of along with pending application in the above terms.

JUDGE

JUDGE

Aadil Arab