

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Date

Order with Signature of Judge(s)

Present:

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

CP No.D-7369 of 2019

Pakistan Hotels Developers Ltd.....Petitioner

Versus

Federation of Pakistan & Others.....Respondents

CP No.D-7370 of 2019

Jabees (Pvt.) Limited.....Petitioner

Versus

Federation of Pakistan & Others.....Respondents

CP No.D-7371 of 2019

Hotel Faran.....Petitioner

Versus

Federation of Pakistan & Others.....Respondents

Date of hearing 19.11.2019

Mr. Mukesh Kumar Sharma, advocate for the petitioners.

Mr. Kashif Hanif, advocate for the PEMRA.

Mr. Ishrat Zahid Alvi, Assistant Attorney General.

Muhammad Ali Mazhar, J.: The petitioners manage hotels, mentioned in their petitions separately, and have challenged the show cause notice dated 29.10.2019, issued by the PEMRA. Earlier, notice was also issued on 02.10.2019, to the petitioners with assertion that the petitioners are providing cable TV services in their hotels, which is a licensable activity under Section 19 of the PEMRA

Ordinance, 2002 as amended by PEMRA (Amendment) Act, 2007, Rule 4, 5, 6, 8 and 10 of the PEMRA Rules, 2009, (Table VI Schedule B of PEMRA Rules 2009) and Regulation 3 of PEMRA Distribution Service Operations Regulations, 2011. The notice also mentioned a table for license category H, H-I, H-II with the slabs of license fee, renewal fee as well as per subscriber fee for every financial year. In concluding paragraph of this notice, the petitioners were directed to visit the PEMRA office and apply for applicable license as per their respective category, failing which appropriate action will be initiated under the PEMRA laws. Apparently these directions were not complied with, therefore, show cause notices were issued to the petitioners with directions to immediately stop the activity and apply for license and show cause as to why the appropriate legal action may not be taken against them for the aforesaid violation of PEMRA laws. The petitioners have only challenged the initial notice as well as the show cause notice, but the rules under which the certain category of license are mentioned have not been assailed.

2. Mr. Kashif Hanif, Advocate, appearing for the PEMRA undertakes to file *vakalatnama* in the office in all the above three petitions. He has referred to PEMRA Rules 2009, framed in exercise of power conferred under Section 39 of the PEMRA Ordinance, 2002. He further referred to the Table VI of PEMRA Rules 2009 in which the license category H pertains upto 25 rooms, H-I upto 100 rooms, H-II upto 500 rooms. He further argued that various hotels, including Movenpick, Beach Luxury, Harmain Hotel and Dream World, are already license holders of PEMRA, but the petitioners are avoiding to apply for the license.

3. Learned counsel for the petitioners submits that all the petitioners will apply for their license as per their applicable license category, in the meanwhile, he requested that the PEMRA may be restrained from taking any coercive action against the petitioners.

4. As a result of above discussion, these petitions are disposed of with the directions that the petitioners may apply for license within thirty (30) days and comply with the requisite formalities of PEMRA laws, including payment of all the requisite fees, however, in the interim period PEMRA shall not take any coercive action against the petitioners and the petitioners may relay cable TV in their hotels for the guests. If petitioners fail to apply for the license within 30 days' time, PEMRA may take action against them in accordance with law.

JUDGE

JUDGE