

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-4891 of 2017

Date Order with signature of Judge

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Amjad Ali Sahito

Tayyaba Motors (Pvt.) LimitedPetitioner

V/s

**Federation of Pakistan
& others....Respondents**

05-05-2021

Mr.Ahmed Ali Ghumro, Advocate for the Petitioner.
Mr.Junaid Ahmed, Advocate for Respondent No.4
Mr.Hussain Bohra, Assistant Attorney General.

Muhammad Ali Mazhar, J: The petitioner has challenged the letter dated 29.6.2017 issued by respondent No.2, whereby request for renewal of petitioner's manufacturing certificate was denied. It is further stated that the respondent No.2 with mala fide intention has allowed the green field investment to respondent No.4 as the same products are already being manufactured by the petitioner. Further directions have been sought against respondent Nos.1 and 2 to renew the petitioner's certificate from the date of its expiry on verification of petitioner's in-house assembly/manufacturing facilities.

2. Learned counsel for respondent No.4 placed on record a copy of judgment passed by division bench of this court on 12.02.2019 in C.P.No.D-3552 of 2017 and C.P.No.D-1264/2018 (Master Motor Corporation (Pvt.) Limited vs. Federation of Pakistan & others). Learned counsel for respondent No.4 submits that same controversy was involved in the aforesaid

petitions and the petitions were dismissed by this court, which judgment was challenged by Master Motor Corporation (Pvt.) Limited in the hon'ble Supreme Court of Pakistan in C.Ps No.446-K and 447-K of 2019. The hon'ble Supreme Court by consent disposed of the civil petitions and set-aside the impugned judgment subject to the condition that the petitioner shall file a civil suit within 45 days making therein all such claims and seeking all such reliefs in which it may consider itself entitled in accordance with law. Learned counsel for the petitioner after going through the order of hon'ble Supreme Court of Pakistan agrees that the petitioner in this constitution petition shall also file civil suit on which the learned Assistant Attorney General and learned counsel for the respondent No.4 raised no objection.

3. In view of joint statement, this petition along with pending application is disposed of. Let the petitioner file civil suit in accordance with law.

Judge

Judge