

IN THE HIGH COURT OF SINDH AT KARACHI

**C. P. No. D-1757 of 2022**

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of main case

**25.05.2022**

Mr. Abdul Mutalib, Advocate for the petitioner.  
Mr. Kafeel Ahmed Abbasi, D.A.G.  
Mr. Khalid Rajpar, Advocate for the Respondents.

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Mr. Khalid Rajpar, Advocate has filed vakalatnama as well as comments on behalf of the Respondents, which are taken on record.

Instant petition has been filed on the ground that the license of the clearing agent was suspended. Counsel for the petitioner today has produced before us order-in-original No.580/2021-22 dated 09.02.2022, wherein it is categorically mentioned that "*the connivance of clearing agents in manipulation of invoices could not be surfaced*". As per the counsel appearing for the petitioner now there is no justification to keep the license of the clearing agent suspended. He therefore, has prayed that the license of the clearing agent may be restored. Counsel appearing for the Department on the other hand has opposed his request.

We have heard both the learned counsel at some length and have perused the record.

We agree with the contentions raised by the learned counsel for the petitioner as when in the order-in-original it has categorically been observed that "connivance in the manipulation of the invoices has not been established", there remains no justification with the Department to keep the license of the clearing agent further suspended.

We, therefore, in view of the circumstances and in the interest of justice restore the licence of the clearing agent and direct the Department to do the needful in accordance with law within two weeks' time from today. However, in case any adverse is found against the petitioner, the

Licensing Authority would be at liberty to initiate proceedings in accordance with law.

With these directions the instant petition alongwith all the listed and pending applications stands disposed of.

JUDGE

JUDGE

SM