

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.NO.D-4342/2015

Date	Order with signature of Judge
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1. For Kathca Peshi
2. For hearing of Misc.No.18937/2015

22.9.2015

Mr. Umer Farooq Khan Advocate for the Petitioner
 Mr. Ainuddin DAG

Through instant petition the petitioner has impugned the proceedings initiated by the Foreign Exchange Adjudication Court, State Bank of Pakistan ("SBP") and has prayed that the same may be set aside.

Learned Counsel for the petitioner has raised a sole ground that since the Director of Adjudication and the Complainant, both are under the Control of SBP, hence, the petitioner will be deprived from proper and ample opportunity of being heard, therefore, the proceedings may be quashed.

Learned DAG submits that this is no ground for quashment of proceedings, whereas, the Adjudicating authority may be directed to provide proper opportunity to the petitioner to defend its case, and shall act in accordance with law.

On perusal of record it appears that the petitioner had exported various consignments abroad and was unable to arrange for repatriation of foreign exchange, whereafter, the Court of Foreign Exchange Adjudication has started proceedings in terms of the Foreign Exchange Act 1947. Though the learned Counsel for the petitioner has made an attempt to argue on the above proposition, however, on merits of the case it appears that it was because of the fact that the buyers abroad had filed Bankruptcy proceedings and had defaulted in payment, the petitioner has failed to arrange for repatriation of foreign exchange. This being a factual issue cannot be decided by us in writ jurisdiction, whereas, insofar as the proceedings of adjudication are concerned, it is needless to observe that they are required to be conducted without being influenced by the fact that SBP is the complainant in the matter.

Accordingly we do not find any substance in the instant petition which besides being misconceived is premature, as no final order has been passed in the matter. The same is therefore, dismissed in limine, whereas the Court of Foreign Adjudication Court is directed to provide proper opportunity to the petitioner to defend its case and shall conduct the proceedings strictly in accordance with law.

JUDGE

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