

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Suit No.2979 of 2021.

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Date:           Order with signature(s) of the Judge(s)  
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1. For Orders on CMA No.22151/2021.
2. For Orders on CMA No.22152/2021.

17<sup>th</sup> December, 2021.

M/s. Omer Memon and Talha Javed advocates for the plaintiffs.

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1. Urgency granted.
2. It is contended by the learned counsel for the plaintiffs, plaintiff No.1 is engaged in hospitality management and owns and operate a 5 star, 17-storey hotel in the name and style of 'Avari Tower Hotel', whereas, plaintiff No.2 is engaged in hospitality management and owns and operates a 4 star hotel in the name and style of 'Beach Luxury Hotel'; that defendant No.1 is a public company formerly known as Sui Gas Transmission Company Limited; that defendant No.2 is an official of defendant No.1 who has issued Notification bearing Reference No. ASGM (Coord)/F-29/2021 dated 10.12.2021. It is further contended by the learned counsel for the plaintiffs that for the operations of hotels, the plaintiffs like any other establishments, have utility connection for water, electricity, gas etc. and have sanctioned gas connection for the hotels from the defendant No.1. The gas supplied by the defendant No.1 to the plaintiffs is used for (i) preparation of foods etc. in the kitchen(s) at the Hotels and for (ii) heating etc. and plaintiffs are not utilizing the gas for electricity generation or for any other purpose; that the defendants have issued the Impugned Notification titled "100% Closure by all general industries (Non-export) including their captive power units starting 11<sup>th</sup> December 2021 till further notice'; that Impugned Notification is being wrongly applied to the Hotels of the plaintiffs and as such, the scope of the Impugned Notification and the policy of the government is targeted towards industries involved in the manufacturing sector etc. It is also contended by the learned counsel that in case the Impugned Notification is made applicable to the Hotels of the plaintiffs, not only shall the same

amount to loss of business but the same shall render the guest staying at the Hotel and the staff working at the Hotel, helpless without food and heating facilities, both of which are a basic necessity, especially during this cold season.

Contentions raised by the learned counsel for the plaintiffs require consideration. Issue notices to the Defendants and DAG for **12.01.2022**.  
Meanwhile no coercive action shall be taken against the plaintiffs.

JUDGE

M.Zeeshan

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Suit No.523 of 2020.

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Date: Order with signature(s) of the Judge(s)  
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3. For Orders on CMA No.22144/2021.
4. For Orders on CMA No.22145/2021.

17<sup>th</sup> December, 2021.

Ms. Umaimah A. Khan advocate for the plaintiff.

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1. Urgency granted.
2. Instant application is supported by affidavit as well as general adjournment, which shows cogent reason. Application is allowed, accordingly, earlier order dated 16.12.2021 is modified and matter is fixed on **11.01.2022.**

JUDGE

M.Zeeshan

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Suit No.820 of 2005.

a/w

Suit Nos. 1546/2012, 1925/2020,  
1109/2004, 1108/2004,  
1107/2004,  
1110/2004 & 1111/2004.

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Date: Order with signature(s) of the Judge(s)  
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5. For Hearing of CMA No.176/2021.
6. For Hearing of CMA No.177/2021.
7. For Hearing of CMA No.722/2021.
8. For Hearing of CMA No.1219/2021.
9. For Hearing of CMA No.15607/2021.

17<sup>th</sup> December, 2021.

Mr. Noshas Khan advocate holding brief for Mr. Farooq H. Naik  
advocate for the plaintiff.

Mr. Khawaja Shams-ul-Islam advocate for defendant No. 8 & 9.

Mr. Munir Ahmed advocate for defendant No.10.

Mr. Z.U. Mujahid advocate for applicant/intervener.

Mr. Sandeep Malani AAG a/w SI-Ali Akbar of PS Sohrab Goth.

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Associate of Mr. Farooq H. Naik advocate for the plaintiff seeks  
time on the ground that the latter is unwell.

Adjourned to **23.12.2021 at 11:00 a.m.**

JUDGE

ORDER SHEET  
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Ex. Appln No.49 of 2017.

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Date: Order with signature(s) of the Judge(s)  
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10. For Hearing of CMA No.120/2021.

11. For Hearing of Nazir's report dated 16.02.2021.

17<sup>th</sup> December, 2021.

M/s. Salahuddin Ahmed and Saifullah Abbasi advocates for the decree holder.

Mr. Khawaja Shams-ul-Islam advocate for the applicants.

Mr. Akhtar Ali Mastoi advocate for BoR.

Mr. Salman Talibuddin, Advocate General Sindh.

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Heard arguments of respective parties. Reserved for orders.

JUDGE

M.Zeeshan

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Suit No.2377 of 2017.

a/w

Suit No.1793 of 2019.

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Date:                   Order with signature(s) of the Judge(s)  
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- 12. For Hearing of CMA No.19046/2021.
- 13. For Hearing of CMA No.18545/2021.
- 14. For Hearing of CMA No.18546/2021.
- 15. For Hearing of CMA No.15715/2017.
- 16. For Hearing of CMA No.16103/2017.
- 17. For Hearing of CMA No.1765/2021.
- 18. For Order on Nazir's report dated 27.11.2021.

17<sup>th</sup> December, 2021.

Mr. Faisal Siddiqui advocate for the plaintiff in Suit No.2377/2017.

Mr. Abdur Rehman advocate for defendant No.9 to 11 and for plaintiff in Suit No.1793/2019.

Mr. Iqbal Khurram advocate for KMC.

Ms. Afsheen Aman advocate for SBCA.

Ms. Rehmat-un-Nisa advocate for KDA.

Mr. Sandeep Malani, AAG.

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At the outset learned counsel for the plaintiff in Suit No.1793/2019 contends that his plan with regard to erection of residential cum commercial building was withdrawn by the defendant No.1 as well as NOC issued by KMC was also withdrawn. However, he is not aggrieved with that withdrawal by the authorities, whereas, he has right to submit fresh residential plan in accordance with law with authorities subject to their approval. He agreed that Suit No.1793/2019 may be dismissed as withdrawn and department will examine fresh residential plan submitted by the plaintiff with prevailing laws including Heritage Act, 1994, Antiquity Act, 1975, Sindh Environmental Protection Act, 2014, Karachi, Karachi Building and Town Planning Regulations 2002 and buildings laws. Accordingly, Suit No. 2377/2017 are seeking same reliefs, hence, while exercising powers on fresh plan, authority shall hear the plaintiff in Suit No.2377/2017, if he has any objection. Needless to mention that Hameed Haroon [plaintiff in Suit No.2377/2017] will not participate in the

Committee, under Heritage Act with regard to decide fate of fresh building plan submitted by the plaintiff in Suit No.1793/2019.

Accordingly, Suit No.2377 of 2017 is disposed of while Suit No.1793 of 2019 is dismissed as withdrawn in above terms alongwith all pending applications. Office is directed to place copy of this order in connected case.

JUDGE

M.Zeeshan