

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.941 of 2022

Drugpharma Chemicals (Pvt.) Limited
Versus
Federation of Pakistan and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on maintainability of suit.
2. For hearing of CMA No.9766/2022 (stay).

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Dated 16.11.2022

Mr. Zain A. Soomro, Advocate for the plaintiff.
Mr. Ayazuddin Qureshi, Assistant Attorney General.
Mr. Abdul Majeed Ansari, Asst. Director, NRIFC.
Syed Hakim Masood, FID, DRAP, Karachi.

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1-2. It appears that the plaintiff's license to manufacture drugs, which was issued by the Drug Regulatory Authority under the law, was suspended. The record reveals that the license to manufacture drugs was issued to the plaintiff who was operating from Plot No.226, Sector 23, Korangi Industrial Area, Karachi; however, all correspondence by the defendants was made at the address disclosed as "Plot No.266" hence plaintiff had no information about the proceedings of the case ended as suspending their license. No notice of hearing or show cause is disclosed to have been issued at the correct address and as a result it ended up in suspension of drug manufacturing license and that has virtually halted operation of the factory for manufacturing drugs which was otherwise in accordance with law earlier since they were operating under the license.

Since the suspension of license is prima facie in violation of Article 10-A of the Constitution of Islamic Republic of Pakistan and as the plaintiff has been deprived of a fundamental right and as agreed by Assistant Attorney General, the case is remanded back to the Authority/Central Licensing Board, issuing suspension order, to

decide the question as to why the plaintiff shall not operate on the basis of license issued and what other cause would prevent plaintiff from operating under the subject license. It is expected that this issue be decided in four weeks' time and till such time the "suspension order" as impugned in this suit, shall not operate and fate of this suspension order shall be determined in the proceedings afresh/denovo, before the concerned Authority referred above.

With the above observations the suit met its fate and is accordingly disposed of along with pending application(s).

JUDGE

Ayaz Gul