

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C.P No. D-1855 of 2021

Present:

Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

W.W. Engineering Services (Pvt.) Limited,.....Petitioner

Versus

Federation of Pakistan

Ministry of Finance and others.....Respondents

Mr. Imdad Ali Saheto, Advocate for the Petitioner

Mr. Kashif Hanif, Advocate for the Respondent No.3.

Kazi Abdul Hameed Siddiqui, D.A.G along with Amjad Iqbal, Head
Legal and Regulatory Affairs, Pakistan Banks' Association

Date of hearing : 28.11.2022

ORDER

YOUSUF ALI SAYEED, J. The Petitioner is a company offering valuation services and is enlisted as such with the Respondent No.4, being the Pakistan Bank's Association. The grievance of the Petitioner is that in pursuance of the Petitioner's delisting by the Respondent No.3, being the House Building Finance Company Limited (HBFC), which is a member of the aforesaid Association, the factum of such delisting has been circulated amongst all other constituent members and 10 points have been deducted from the Petitioner's overall limit so as to undermine its status as an evaluator. In that backdrop the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, assailing its delisting and seeking that the Respondent No.4 be restrained from circulating any information in that regard or deducting points from its overall score so as to adjust its valuation limit.

Proceeding with his submissions, learned counsel for the Petitioner argued that the intimation given by the Respondent No.3 to the Respondent No.4 on the subject of delisting was erroneous, as the Petitioner had already ceased to be on the panel of that Respondent, hence the prospect of delisting did not arise.

On the other hand, learned counsel for the Respondent No.3 submitted that the Petitioner had been culpable in a dubious valuation of an immovable property, which was flawed to a point where it bordered on fabrication, with the Respondent having sustained considerable loss as a consequence, and having then rightly intimated the Respondent No.4 accordingly. Furthermore, an objection was raised as to the maintainability of the Petition with reference to an Order dated 12.03.2019 made by a learned Divisional Bench of this Court in C.P No. D-1622 of 2019, where a claim of a similarly placed party had been dismissed in limine on the touchstone of maintainability.

Having considered the matter, we are of the view that the same does not present a fit case for issuance of a writ under Article 199 of the Constitution, as there is a factual controversy in play which cannot be properly determined in the present proceedings and because the Respondent No.4 even otherwise operates in the private domain. Under such circumstances, the Petition stands dismissed leaving the Petitioner at liberty to avail its remedy through appropriate civil proceedings, if so, desired.

JUDGE

CHIEF JUSTICE