

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2531 of 2023

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.12201/2023.
2. For orders on Misc. No.12202/2023.
3. For orders on Misc. No.12203/2023.
4. For orders on Misc. No.12225/2023.
5. For hearing of main case.

24.05.2023.

M/s. Muneer A. Malik and Taha Alizai, Advocates for the
Petitioner.

YOUSUF ALI SAYEED, J - Learned counsel submits that the Petitioner, a public limited company of which 75% of the shareholding is that of the Government of Pakistan, holds certain petroleum concessions and leases in the Province of Sindh, in respect of which it has been granted Petroleum Exploration Licenses. He submits that the Respondent No.7, a company incorporated in Mauritius, similarly holds the rights and concessions for certain contiguous blocks, which are being tapped in such a manner as to divert the gas from the Petitioner's blocks. He submits that such gas is the property of the Petitioner, and the Respondent No.7 is knowingly and willfully selling the same to SSGCL, which constitutes the offence of theft and cheating under the Pakistan Penal Code, hence the foreign remittances being made from the proceeds constitute the offence under the Anti Money Laundering Act 2010 ("**AMLA**"), requiring intervention on the part of the State Bank of Pakistan and the Financial Monitoring Unit, being the Respondents Nos.1 and 2 respectively. He states that the Respondents Nos.1 and 2 are under a statutory obligation in terms of the AMLA so as to mark the Respondent No.7's transactions as suspicious, but have not acted despite a letter dated 07.03.2023 and reminder dated 05.04.20023 having been addressed to them by the Petitioner. He submitted that directions to those respondents are thus elicited in the matter accordingly.

We have considered the submissions advanced and observed that various civil proceedings are admittedly ongoing between the parties, including Suit No.1183/2022 filed by the Petitioner before this Court on the Original Side on allegations of misappropriation/conversion of its gas resources, claiming injunction and damages as against the Respondent No.7 and its principals. Needless to say, where, as in the instant case, the allegations advanced arise in the backdrop of competing claims in a commercial setting and in the broader context of civil proceedings pending inter se the parties, we are of the view that due care and circumspection are required before issuance of a writ for commencing proceedings under the AMLA in motion so as to investigate transactions that are alleged by one of the protagonists to be suspicious. As it stands, from the pleadings and the correspondence addressed by the Petitioner to the Respondent No.1 calling for its intervention, it appears that the allegations turn on a study conducted by an independent consultant, which, as it transpires, is the basis for Suit No.1183/2022, where an ad-interim Order had been made in favour of the Petitioner but has since apparently been vacated on appeal, with the matter being remanded for adjudication of the application for interlocutory relief. Even otherwise, the correspondence addressed by the Petitioner to the Respondent No.1 calling for its intervention appear to be perfunctory and bereft of any reference to supporting material having been enclosed therewith.

Under the circumstances, we are not convinced that a case properly stands made out for intervention of the Court in exercise of the extraordinary writ jurisdiction under Article 199, especially where it is yet to be ascertained whether the Petitioner's allegations of theft have any substance and where the Petitioner has not yet taken any discernible steps for otherwise setting the criminal justice system in motion. As such, we dismiss the Petition *in limine* along with pending miscellaneous applications.

JUDGE

CHIEF JUSTICE