

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No. 178 of 2024
(Town Municipal Corporation, Gadap Town Vs. Province of Sindh and others)

High Court Appeal No. 179 of 2024
(Muhammad Khan Vs. Province of Sindh and others)

Dated	Order with signature of Judge
-------	-------------------------------

Present:
Mr. Justice Muhammad Shafi Siddiqui
Justice Ms. Sana Akram Minhas

H.C.A. No. 178 of 2024

Hearing Case (Priority)

1. For orders on office objection a/w reply at A
2. For hearing of Main Case
3. For hearing of CMA No. 1057/2024 (stay)

H.C.A. No. 179 of 2024

Hearing Case (Priority)

1. For orders on office objection a/w reply at A
2. For hearing of Main Case
3. For hearing of CMA No. 1060/2024 (stay)

Dated 13.05.2024

Mr. Ahmed Masood Advocate for the Appellant in H.C.A. No. 179
of 2024 a/w Muhammad Altaf Advocate

Malik Naeem Iqbal Advocate for the Intervenor

Mr. Junaid Alam Khan for KBCA

Mr. Irshad Ali Shar for TMC Ibrahim Haideri

Mr. Muhammad Yousuf Narejo, Advocate for the Respondent Nos.
5 and 7

Mr. Zaheer-ul-Hassan Minhas Advocate for the Respondent No.7 in
H.C.A. 179 of 2024

-.-.-.-.-

Mr. Ahmed Masood, learned counsel for the Appellant in H.C.A. 179 of 2024 submits that Mr. Salahuddin Ahmed, learned counsel for the Appellant in H.C.A. No. 178 of 2024 is busy before Hon'ble Supreme Court and he on his behalf undertakes/concedes that these appeals have become infructuous. He has separately filed a statement alongwith some attachments, which is without prejudice to the rights of the Respondents, are taken on record.

Malik Naeem Iqbal, learned counsel for the Intervenor has seriously objected to the modus operandi that was undertaken by the Appellants in as much as there was no transparent process of award of a contract which they claimed to have been succeeded, by way of public auction via public notice. Malik Naeem Iqbal submits that spirit of order dated 23.11.2023 was not followed and there was no lawful auction conducted. He submits that on a petty amount of Rs.240 Million a contract which otherwise could have fetched Rs.600 Million was auctioned. This exercise of awarding a contract is sham and bogus as neither it was transparent nor public notices were called.

It is to be seen separately whether the spirit of Order dated 23.11.2023 was followed or otherwise as there seems to be much difference between the auction price and the prices as being offered by Malik Naeem Iqbal and Mr. Zaheer-ul-Hassan Minhas. With this understanding these appeals having been withdrawn are dismissed along with pending applications, whereas, the contempt applications pending in High Court Appeals No. 379 to 382 of 2023 will be taken into consideration on the next date. It may however, be observed that the purported award of contract shall be subject to outcome of the contempt applications and any other order as deem fit and proper by the Bench hearing contempt applications. In the light of the above facts the learned Single Judge may also decide the injunction application pending in Suit No. 279 of 2024 and 327 of 2024 expeditiously, preferably before Summer Vacation.

JUDGE

JUDGE