

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

H.C.A. No.381 and 382 of 2023

| Date | Order with signature of Judge |
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H.C.A. No.381 of 2023

1. For orders on Nazir report dated 29.5.24 and 30.5.24
2. For hearing of CMA 313/24

H.C.A. No.382 of 2023

1. For hearing of CMA 436/24
2. For hearing of CMA 437/24
3. For hearing of CMA 315/24

**Dated: 06.06.2024**

Malik Naeem Iqbal along with Mr. Talha Abbasi for applicant/  
appellant.

Mr. Muhammad Yousuf for respondent No.1.

Mr. Shahzeb Akhtar along with Mr. S.Ali Haider for alleged  
contemnor No.1 in HCA 381/2023.

Mr. Sandeep Malani, Assistant Advocate General.

Mr. Junaid Alam Khan for KMC.

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Nazir's reports taken on record.

Original issue before us in this appeal was of awarding a contract of "milching animals". This appeal was disposed off with the understanding that a transparency in awarding contract will be followed.

In these disposed of appeals applicant/appellant has filed contempt applications in pursuance of order dated 23.11.2023 which order claimed to have been flouted and disregarded to its totality by officials. Public notice for awarding a contract was shown to have been issued in four fake newspapers of a particular date which was not circulated at all and only few copies were printed purposely, bluffing the public at large.

Today Malik Naeem Iqbal, learned counsel appearing for applicant/appellant, has placed before us original copies of three newspapers wherein advertisement/public notice claimed to have been published for the subject contract. These “issues” does not contain any public notice in them. It is shown that mischievously few prints were obtained with such advertisements whereas main circulations of papers were without any such advertisements so that it may not be noticed by public at large. The copies of these original newspapers are taken on record, which do not find such advertisement. These claimed to have either obtained from same libraries or were purchased from market through great efforts, as alleged as these are not newspapers with any convincing circulation.

The case of the alleged contemnors, on the other hand, is that such advertisements were published in the referred newspapers and in response thereto they (respondents and/or the bidder) have participated and got the contract awarded. They have no answer to these discrepancies shown by Mr. Naeem, through original papers.

Learned Assistant Advocate General has very vocally conceded to the stance of Mr. Naeem and stated that there is huge difference between amount of contract awarded then and now being offered publicly and under these circumstances it calls for a fresh bidding process, as requested.

We have been hearing about these fake and purposely procured newspapers for quite some time. It is being done to circumvent the lawful requirement of rules, procedure and transparency. There is no dispute that three original copies of the newspapers such as “Frontier Post, Amn and Ibrat” have been placed on record, we do not find such advertisement at a place where it is shown to have been printed and/or got printed by the respondents through manipulation and managing

officials of these newspapers; as argued convincingly. This is something serious which should be taken to its logical end if the process of awarding contract is to be made transparent. Previously when such disputes came to light earlier, it is shown to have been published in Daily Jang and Daily Dawn and now it is down to Frontier Post, Amn, Ibrat and Daily Pak. It is also pointed out that there is huge difference between the amount on which contract was awarded and the amount then and now being offered by others.

In the above circumstances, let show cause notices be issued to the alleged contemnors as well as editors of the four newspapers i.e. Frontier Post, Daily Amn and Daily Ibrat for the next date. Show-cause notice may also be issued to alleged contractors, particulars of which may be provided by learned counsel for the applicant/appellant to the office, if not available on the record of these files. In the meantime the process undertaken through these four newspapers and in consequence whereof tenders/contracts were awarded to private contractors, and all such consequential orders in respect thereof, shall remain suspended. Concerned TMA/TMC shall act in accordance with law till further orders.

**Judge**

**Judge**