

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-598 of 2020

M/s. Kepler Petroleum (Pvt.) Ltd.
Versus
Federation of Pakistan and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Priority

1. For hearing of CMA No.2548/2020 (Stay).
2. For hearing of main case.

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Dated 05.08.2024

Mr. Abdul Qayyum Abbasi, Advocate for the petitioner.

Mr. Asim Iqbal, advocate for respondent No.2 (OGRA).

Mr. Khaleeq Ahmed, D.A.G.

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Petitioner has challenged an order imposing penalty on the accusations raised in the show-cause notice. The reply of show cause notice was not found satisfactory and consequently the order was passed.

Aggrieved of it, the petitioner challenged it before OGRA being an appellate authority, who advised the petitioner to deposit 50% of the penalty. Learned counsel submits that this could not be done in the case of hearing appeal only as no injunctive order solicited. Petitioner only requested the OGRA to decide their appeal in accordance with law.

We have heard learned counsel Mr. Abdul Qayyum Abbasi as well as Mr. Asim Iqbal.

Mr. Abdul Qayyum Abbasi, learned counsel for the petitioner by relying on the judgment passed by the Islamabad High Court in OGRA application No.7/2018 requested for hearing of appeal. We are persuaded in the matter of hearing appeal only as is not required by statute for hearing appeal; had it been a matter of

seeking an injunctive order which is discretion of court, this condition could have been imposed for securing at least 50% of the penalty imposed, however, they have not sought the injunctive order. This would further clarify the situation that being a penalty amount, if OGRA may attempt to execute the order by recovering the amount in pursuance of the order impugned before the authority there would be no impediment. For hearing of appeal, 50% of penalty may not be imposed but in case the petitioner sought an injunctive order, such may be enforced.

With this observation, the petition stands disposed of along with pending application(s).

CHIEF JUSTICE

JUDGE

Ayaz Gul