

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-8259 of 2017

National Communications Services (SMC-Pvt.) Limited
Versus
Pakistan Electronic Media Regulatory Authority and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Priority

1. For hearing of Misc. No.34644/2017 (Stay).
2. For hearing of main case.

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Dated 05.08.2024

Mr. Abbas Leghari, Advocate for the petitioner.

Mr. Khaleeq Ahmed, Advocate for Respondents No.1&2.

Mr. Shah Hussain, Assistant Attorney General.

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The petitioner operating as 'Dunya News; it has objected to the observations and recommendations of the Council of Complaints available at page-25 as annexure "D". Counsel arguing on behalf of the petitioner submits that virtually the Council of Complaints has assumed the role of an authority in terms of the observations made therein.

Heard counsel.

With the assistance of the counsel, we are able to read the recommendations available at page-25 annexure "D" dated 13.06.2017. The two bullet points identified in para-5 presumably suggest that these are the recommendations of the Council of Complaints forwarded to the authority concerned. However, before the authority could have acted one way or the other, this petition was filed on 05.12.2017 and hence as far as the impugned recommendations are concerned, those were ordered by this Court, not to be implemented till next date of hearing. The order was passed on 09.04.2018 and next date of hearing never matured.

Those impugned here were only recommendations and do not form an order of authority. This being a situation, we do not feel to intervene in the statutory process and scheme undertaken by the Council of Complaints as required under Section-26 of the PEMRA Ordinance, 2002 and as the recommendations are to be placed before the authority concerned for acting in accordance with law, the process was not completed and hence this action of filing petition is not justified. In terms of Section 26(5) the Councils may recommend to the Authority appropriate action of censure, fine which it did; now if it offends any other provision of law or was recommended by Council beyond jurisdiction, the authority may be appraised of such facts by petitioner, to pass order accordingly.

The petition being misconceived is accordingly dismissed along with pending application(s).

CHIEF JUSTICE

JUDGE

Ayaz Gul