

IN THE HIGH COURT OF SINDH AT KARACHI

Suit 1103 of 2013 : Unilever Pakistan Limited
vs. Federation of Pakistan & Others

Suit 1628 of 2015 : P.I.C.T Limited
vs. Federation of Pakistan & Others

Suit 1810 of 2015 : K.I.C.T Limited
vs. Federation of Pakistan & Others

For the Plaintiff/s : Mr. Ali Almani, Advocate
Mr. Sami-ur-Rehman Khan, Advocate
Mr. Shaheer Roshan Shaikh, Advocate
Mr. Kohmir Rind, Advocate

For the Defendants/s : Mr. Shahid Ali Qureshi, Advocate
Mr. Naveed Ahmed Khan, Advocate
Mr. Munawar Ali Memon, Advocate
Mr. Javed Ali Sangi, Advocate

Ms. Alizeh Bashir,
Assistant Attorney General of Pakistan

Date/s of hearing : 16.09.2024

Date of announcement : 16.09.2024

ORDER

Agha Faisal, J. These suits, pending since 2013 and 2015 respectively, essentially assail show cause / notices issued by the Punjab Revenue Authority, *prima facie* beyond the territorial remit on this Court. *Ad / interim* orders were obtained from the very onset and subsist till date.

On the last date of hearing, plaintiffs' learned counsel was confronted with respect to the maintainability hereof and given time to obtain instructions; per request the matter was adjourned till today. The counsel conveyed that his instructions remained to press these suits.

In so far show cause notices are concerned, this is no case of first impression. A Division bench of this Court maintained in *Dr. Seema Irfan*¹ that a mere notice seeking information is not necessarily adversarial and would not *ipso facto* give rise to an actionable cause². Similar findings were recorded by the august Supreme Court in the judgment in *Jahangir Khan Tareen*³, approved recently in Judgment dated 15.09.2022 rendered in *DCIR vs. Digicom Trading (CA 2019 of 2016)*. Similar views were taken by learned Single judges in order dated 27.09.2022 rendered in Suit 855 of 2015 and the judgments in *Azee Securities*⁴ and *PPL*⁵.

¹ Per Muhammad Ali Mazhar J in *Dr. Seema Irfan vs. Federation of Pakistan* reported as *PLD 2019 Sindh 516*.

² Reference is also made to *2018 PTD 2208; 2015 PTD 2572; and 2009 PTD 20* in the specific context of audit notices.

³ Per Muhammad Ali Mazhar J in *Commissioner Inland Revenue vs. Jahangir Khan Tareen* reported as *2022 SCMR 92*.

⁴ Per Muhammad Junaid Ghaffar J in *Azee Securities vs. Pakistan* reported as *2019 PTD 903*.

The matter of territorial jurisdiction is also well settled; as may be denoted from the *Sandalbar case*⁶ and recently encapsulated by *Syed Mansoor Ali Shah J* in the *A F Fergusson case*⁷. In *pari materia* facts and circumstances this Court held in *Safe Mix Concrete*⁸ that mere existence of the plaintiff within the territorial remit confers no jurisdiction upon this court; especially when the principal defendant, against whom the primary relief is claimed, is beyond the territorial jurisdiction.

Therefore, in *mutatis mutandis* application of reasoning and rationale of the authority cited supra, applicable squarely herein, the complaints are hereby returned. The office may place a copy hereof in each connected suit.

Judge

⁵ Per *Adnan Iqbal Chaudhry J* in *PPL vs. Pakistan* reported as 2022 PTD 1742.

⁶ *Sandalbar Enterprises Pvt. Ltd. vs. Central Board of Revenue* reported as PLD 1997 Supreme Court 334.

⁷ Order dated 27.02.2024 in *CIR LTO Karachi vs. A F Fergusson & Company & Others (Civil Petition 52 of 2024)* and connected matters.

⁸ Per *Muhammad Junaid Ghaffar J* in *Safe Mix Concrete Limited vs. Federation of Pakistan & Others* reported as 2020 CLC 602 2020 PTD 263. Reliance was also placed upon *Murlidhar P Gangwani vs. Engineer Aftab* reported as 2005 MLD 1506; *Dewan Scrap vs. Customs, Central Excise & Sales Tax Tribunal* reported 2003 PTD 2127; *Sandalbar Enterprises Pvt. Ltd. vs. Central Board of Revenue* reported as PLD 1997 Supreme Court 334; *Abdul Rahim Baig vs. Abdul Haq* reported as PLD 1994 Karachi 388; *Mehboob Ali Soomro vs. SRTC* reported as 1999 CLC 1722.