

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.D-4204 of 2024

Date	Order with signature of Judge
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1. For hearing of CMA No.18505/2024 (Stay)
2. For hearing of main case

18.9.2024

Mr. Salahuddin Ahmed advocate for the petitioners
Mr. Khaleeq Ahmed, DAG
Mr. Manzoor-ul-Haq, Law Officer State Bank of Pakistan
Mr. Abdul Shakoor, Deputy Director, FEOD

Mr. Danish Nayyer advocate files vakalatnama on behalf of respondents No.8 and 12, which is taken on record.

Respondents No.8 and 12 have placed before us a statement alongwith an attachment i.e. the order passed in Appeal No.Nil of 2024, which disclosed that the order dated 17.5.2024, impugned before this Court in the instant petition has been set aside and remanded to the Adjudication Officer. It is the same order which has challenged before us and since it has been set aside / recalled, it has virtually for a judicial determination rendered the petition as infructuous. Mr. Salahuddin Ahmed however, has pointed out that in addition to the order, which is under challenge they have also challenged the vires of certain provisions which were brought via subsequent amendment in the Foreign Exchange Regulation Act, 1947 and the Rules in particular Sections 23B and 23C (4).

Be that as it may, since now the impugned order has been recalled and its consequential order dated 08.8.2024 is ineffective, and case is remanded back to the Adjudicating Officer, we deem it appropriate to dispose of this petition having become infructuous in substance. However, in case, it is so required and desired subject to the outcome of the decision of the Adjudicating Officer, to whom the case is remanded, the petitioners may exhaust their remedy as available to them including a challenge to the vires of the law which otherwise was challenged in this petition, at any given time, subject to triggering of cause.

Needless to point out that the Adjudicating Officer is now required, subject to issuance of notices, to hear all parties in contest.

The petition stands disposed of in these terms alongwith listed / pending application(s).

CHIEF JUSTICE

JUDGE

