

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No.D-7730 of 2018
Const. Petition No.D-7731 of 2018
Const. Petition No.D-7732 of 2018
Const. Petition No.D-7733 of 2018
Const. Petition No.D-6805 of 2021

Date	Order with Signature(s) of Judge(s)
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1. For hearing of CMA No.10989/2021
2. For hearing of main case.

19.09.2023

Mr. Makhdoom Ali Khan, Advocate along with Petitioners.
Mr. Sattar Muhammad Awan, Deputy Prosecutor General
Accountability, NAB Headquarters.
Syed Dilshad Hussain Shah, Special Prosecutor NAB.
Mr. Ghulam Sarwar Baloch, Assistant Attorney General.

Vide order dated 09.08.2023 Special Prosecutor NAB had informed us that this matter had been sent to the Chairman, NAB for closure of investigation under Section 31-B(1) NAO, 1999. This Court directed the Chairman, NAB to decide whether or not to continue with the investigation or close the same as per provision of Section 31-B(1) NAO, 1999. He was given 04 weeks' time in which to make his decision.

2. As per compliance report submitted by the NAB dated 09.08.2023 it was recommended that the instant investigation be terminated under Section 31-B(1) NAO, 1999 and be referred to KDA under intimation to the Chief Secretary, Government of Sindh.

3. We have gone through the latest judgment delivered by the Supreme Court of Pakistan in respect of legality of certain amendments made in the NAB Ordinance on 15.09.2023 with the able assistance of the learned counsel for the petitioners and respondents.

4. We have reviewed the amendments made in the NAB Ordinance and find that the amendments which were struck down by the Supreme Court have no effect on the reason why the investigation was closed by the Chairman, NAB. This is specially keeping in view that the Chairman, NAB himself had rightly referred the matter to the Karachi Development Authority

(KDA) under intimation to the Chief Secretary, Government of Sindh for appropriate action in accordance with law.

5. From our understanding of the facts of the case this matter should have been dealt with by the Karachi Development Authority (KDA) itself as it appears if there had been wrong doing it would be associated with the offices of KDA.

6. Accordingly these investigations in respect of the petitioners Dr. Shaheena Altamash, Dr. Muhammad Altamash, Dr. Murad Altamash, Dr. Imad Altamash are hereby terminated under Section 31-B(1) NAO, 1999 and National Accountability Bureau (NAB) is directed to refer the matter to Karachi Development Authority (KDA) as intimated in the decision of Executive Board Meeting dated 28.08.2023.

7. Copy of this order shall be sent to the Chairman, NAB and Chief Secretary, Government of Sindh for information and compliance.

8. The above petitions are disposed of along with pending application in the above terms.

JUDGE

JUDGE