

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Abdul Mobeen Lakho

C.P. No.D-5334 of 2025

[Muhammad Waqas Azhar v..... Federation of Pakistan & thers]

Date of Hearing : 16.10.2026

Petitioner through : Mr. Muhammad Faizan Saleem,
Advocate & Mr. Shahid Iqbal Rana,
Advocate.

Respondents through : N.R.

ORDER

Abdul Mobeen Lakho, J:- The Petitioner has challenged an order passed by the Foreign Exchange Regulation Appellate Board, Karachi (“Appellate Board”), dismissing the Petitioner’s appeal as time barred.

2. The concise facts of the case are that the Respondent No.2 lodged a complaint¹ alleging therein that the Petitioner violated the prescriptions of Section 12(1) of the Foreign Exchange Regulation Act, 1947 (“Act, 1947”) as they had to repatriate export proceeds within a period of six months and on the basis of said complaint, a penalty in the sum of Rs. 800,000/- was imposed upon the by Petitioner by the Adjudicating Authority vide Order dated 30.05.2025². The Petitioner against the said Order, preferred an appeal before the Appellate Board which too was dismissed on the ground of limitation vide 26.09.2025³ (Impugned Order”), hence this petition.

3. Learned counsel for the Petitioner premised his case on the argument that the neither the petitioner was heard nor any notice was served upon the Petitioner thereby rendering the Impugned Orders

¹ FER Case No. 6290/2018, 6291/2018, 6292/2018, 6293/2018, 6294/2018

² Rendered by Director of Adjudication State Bank of Pakistan, Banking Services Corporation (Bank), available at page 47

³ Rendered by Appellate Board available at page 37

untenable and/or sustainable. With regards to the plea of limitation is concerned, learned counsel articulated that the owing the sad demise in the family, the petitioner could not appear before the Adjudicating Authority of State Bank and that the delay is not deliberate in such regard.

4. Heard and perused the record. The petition was received by the Office on 30.10.2025, since then no efforts were made for fixation of present petition till date. It is an admitted position that against the Order of Adjudicating Authority, the remedy of Appeal lies before the Appellate Board which according the prescriptions of Section 23-C(3) of the Act, 1947 ought to be preferred within a period of 60 days but the same was preferred by the Petitioner beyond the prescribed period of limitation which fact was also deliberated in the Impugned Order of the learned Appellate Board. Reverting to the another limb of argument of learned counsel for the petitioner to the effect that the petitioner initially filed an appeal before the Appellate Board at Lahore within the prescribed period of limitation, however, the said forum was not competent to entertain the appeal. It was further contended that, thereafter, the petitioner approached the Appellate Board at Karachi, and the time consumed in pursuing the remedy before the aforesaid forums constitutes sufficient ground for condonation of delay. A perusal of the impugned order, however, reveals that the Appellate Board at Lahore, before which the petitioner initially challenged the order passed by the Adjudicating Authority, had specifically directed the petitioner to file the appeal before the competent forum within ten days from the date of the said order. Thus, the petitioner had already been afforded an opportunity to avail the appropriate legal remedy within the time expressly stipulated by the Appellate Board at Lahore. In these

circumstances, the plea of learned counsel that the time consumed in approaching the wrong forum constitutes sufficient cause for condonation of delay is devoid of merit and cannot be sustained. It is trite Law that the Law assists the vigilant and not those who sleep over their rights⁴. Furthermore, where a statute creates a special forum and simultaneously prescribes a period of limitation for invoking its jurisdiction, the authority constituted thereunder is bound by the statutory framework and cannot assume powers not expressly conferred upon it. The power to condone delay is not an inherent power; it must emanate from the statute itself and cannot be assumed on equitable or discretionary considerations⁵. The constitutional jurisdiction is not intended to substitute the High Court's opinion for that of the subordinate forum merely because another view of the matter is possible⁶.

5. In view of the foregoing discussion, we find that the petitioner has failed to make out a case for interference. Resultantly, the petition stands dismissed alongwith pending applications.

JUDGE

JUDGE

Aadil Arab

⁴ Per Aminuddin Khan.CJ. Federal Constitutional Court in Civil Appeals. 382-L & 383-L/2012 (Niamat Ali v. Chairman Federal Land Commission, Islamabad & others) decided on 21.07.2026

<https://www.fccp.gov.pk/download/eyJpdil6lkNaaXozaEsvUzBCNmpBdFFjN3VrVHc9PSIsInZhbHVlIjoiaUNJWGpJRmZsNkFXQlhOcDZTNUVBZz09liwibWFjIjoim2QxNiY2JmZW5ZDQ1ZGNmZDEyOTRiZDIhMGEzNGY0NDM0Yjc4NGFjZGFhMDk2MmM0NTE5MmE0N2JiN2I3MzIxNiIsInRhZyI6Ij9>

⁵ Ibid.

⁶ Per Aminuddin Khan.CJ. Federal Constitutional Court in C.P.L.A.30-L/2025 (Mst. Bushra Bibi v. Additional District Judge Bahawalnagar) decided on 09.07.2026 <https://www.fccp.gov.pk/download/eyJpdil6lmFmcEpNZmdUNkNoSmhZWXAvalYyYnc9PSIsInZhbHVlIjoiaUNJWGpJRmZsNkFXQlhOcDZTNUVBZz09liwibWFjIjoim2QxYTI4MDIxZW5ZDQ1ZGNmZDEyOTRiZDIhMGEzNGY0NDM0Yjc4NGFjZGFhMDk2MmM0NTE5MmE0N2JiN2I3MzIxNiIsInRhZyI6Ij9>