

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

HCA No.451 of 2024

(M/s. Industrial Management & Investment Company Ltd. v. Port Qasim Authority & another)

HCA No.452 of 2024

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Date	Order with signature of Judge
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1. For orders on office objection a/w reply at A
2. For hearing of main case
3. For hearing of CMA No.2745/2024

17-02-2026

Mr. Aman Aftab, Advocate for Appellant

Mr. Ali T. Ebrahim, Advocate for Respondent No.1-PQA

Mr. Arshad M. Tayebaly, Advocate for Respondent No.2-

M/s. Hassan Ali Rice Export Co. Ltd. in HCAs No.451 &

453 of 2024 a/w Mr. Talha Javed, Advocate

Mr. Aadil Channa, Advocate for Respondent No.2 in HCA No.452/2024

Due to commonality all these three Appeals are decided by this Order.

2. Briefly, present Appellant-Industrial Management & Investment Company Limited has preferred two Suits No.52 and 53 of 2019, against private Respondents, challenging the allotment in their favour by Respondent-Port Qasim Authority (**PQA**); whereas, Suit No.637/2022 was preferred by Respondent-Hassan Ali Rice Export Company Limited (Rice Company), *inter alia*, seeking possession. The learned Single Bench, after hearing all the Counsel and in particular the Senior Official from PQA, dismissed the injunction applications of the present Appellant and allowed that of Rice Company.

Learned Counsel for the Appellant states that PQA is continuously violating the terms of the Compromise Decree entered into between the Appellant and PQA and has till date not granted the Lease (Decree is at Page-51). Contends that in the intervening period further allotment was made in favour of private Respondents (in these three Appeals) in violation of Rule and Procedure and Land Grant Policy. Has referred to the Layout Plan of PQA Eastern Industrial Zone (Page-69) and points out that 116 Acres of the land is in possession of KE, whereas, the remaining area belongs to the Appellant, and the allotments have been made in favour of private Respondent, in the middle of land of Appellant, making the entire area unusable for the Appellant.

3. The Appeals are opposed by Mr. Arshad M. Tayebaly along with Mr. Talha Javed, representing Rice Company, Mr. Ali T. Ebrahim, representing PQA and Mr. Aadil Channa, representing Respondent No.2 in HCA No.452/2024.

Mr. Ali T. Ebrahim, Counsel for PQA has stated that even that Compromise Decree was not implemented and it was followed by another Compromise in Execution and matter is presently *sub judice* before the Hon'ble Supreme Court (Copy of CPLA is at Page-231).

4. Arguments heard and record perused.

5. We have considered the Letter of Intent of Allotment of 200 Acres of lands to Appellant way back on 14.4.2009; the purpose of allocation of such a huge area was to set up a Steel Mill. To a question, the learned Counsel for Appellant states

that till date the industry could not be set up because disputes arose between PQA and the Appellant. The second undisputed fact is that out of that 200 Acres, KE is given 116 Acres by the Appellant and it is undisputed that sale price has been received by the Appellant out of which certain payments have been made to PQA, as mentioned in the Compromise Decree.

6. Mr. Arshad M. Tayebaly, representing Rice Company, has also acknowledged the fact that till date industry is not set up by his client but states that due to different restraining orders that cannot be done and he undertakes to commence the work within four weeks after clearance given by PQA.

7. Apparently, till date the Appellant is the beneficiary; as out of 200 Acres it has sold out 116 Acres to KE, but raising objection to allotment of other portions of land to different private Respondents by PQA. The Counsel for PQA has stated that possession of the other lands in question have been handed over to private Respondents.

8. The Suits have been transferred to the District Court and are still pending before the concerned learned Trial Court.

9. In view of the above, since no illegality exists and nor any has successfully been pointed out by the Appellant's Counsel, therefore, we are not inclined to interfere in the Impugned Orders and, while maintaining the same, we dispose of these Appeals in the following terms:-

- i) All the Suits are to be tagged together and consolidated, in order to avoid conflicting Decisions.

- ii) If Written Statement is not already filed, the same should be filed within four weeks (from the date of this Order), or the concerned Respondent / Defendant will be debarred from filing the Written Statement.
- iii) Issues should be settled thereafter.
- iv) If the Suits can be decided on the basis of legal issues, the same will be framed and decided within two months from today. However, if the triable issues are required to be framed, then after framing the same the evidence will start immediately.
- v) The evidence should be concluded within three months without adjournment.
- vi) If on the date of evidence the Witness or Party is not available, then side will be closed and if the Opponent's Counsel is reluctant to cross-examine the witness, then the cross-examination shall be marked as "**Nil**".
- vii) Decision should be given within four months from today.

10. Before parting with this Order, we must observe that purpose of setting up of PQA is to operate an Industrial Zone near the Port. In several cases, we have noted that there are complaints against PQA either of administrative nature or they have failed to develop the infrastructure.

11. Management of PQA is directed to improve their governance and their main focus should be to develop an infrastructure of International Standard so that industries can function viably, rather than turn the vast extract of land given to PQA into a real estate endeavour. Management of PQA can also establish a Special Task Force comprising of Police Department and other Law Enforcement Agencies (LEA) to ensure that the Industrial Zone is a secured area, beneficial for even Foreign Entities.

12. In this regard PQA will furnish a report through MIT-II (Member Inspection Team) of this Court within two months about the above direction. These Appeals, only for this limited purpose, will be fixed in Court on **03.04.2026**.

13. In the above terms, all these three Appeals stand disposed of along with pending application(s), if any.

JUDGE

JUDGE

Shakeel, PS