

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-392 / 2014

(Sindh Wine Merchants Welfare Association V. Province of Sindh)

Date	Order with signature of Judge
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Present:-
Mr. Justice Adnan Iqbal Chaudhry.
Mr. Justice Muhammad Jaffer Raza.

PRIORITY

- 1) For orders on Misc. No. 2258/2024.
- 2) For hearing of Misc. No. 38150/2018.
- 3) For hearing of Misc. No. 1873/2014.
- 4) For hearing of main case.

Date of hearing : 07.10.2025

Date of announcement : 10.11.2025

Mr. Mamoon N. Choudhry, Advocate for Petitioner.
Mr. Pervaiz Ahmed Mastoi, Assistant Advocate General.

Muhammad Jaffer Raza, J. Petitioners No. 2 to 105 are members of Petitioner No. 1 and are carrying retail off and wholesale business of liquor. Through the instant petition, the Petitioners have impugned notification dated 05.10.2013 (**“Impugned Notification”**) and the challans issued under the same. It has been contended by the learned counsel appearing for the Petitioners that under Section 17¹ of the Prohibition (Enforcement of Hadd) Order 1979 (**“Order”**) and the rules framed thereunder, the Petitioners have been granted license to engage in the noted business. Learned counsel has further contended that earlier the fee for renewal of the said license was fixed

¹ 17. Licenses for 'Bona Fide' medicinal or other purposes.— The Provincial Government or, subject to the control of the Provincial Government, the Collector, may issue licences to any person in respect of any institution, whether under the management of Government or not:— (a) for the manufacture, import, transport, sale or possession of any intoxicant or article containing intoxicating liquor on the ground that such intoxicant . or article is required by such person in respect of such institution for a bona fide medicinal, scientific, industrial or similar other purpose or for consumption by a non-Muslim citizen of Pakistan as a part of a religious ceremony or by a non-Muslim foreigner; or
(b) for the export of any intoxicant or article containing intoxicating liquor.

at Rs. 10,000/- and the same is arbitrarily and unilaterally enhanced, from time to time, without assigning any reason for the same. He has contended that the increase, pursuant to the Impugned Notification, is discriminatory as the same is tantamount to closure of their respective businesses. It is further contended by the learned counsel that the Petitioners have repeatedly approached the Respondents for the redressal of their grievances. Such efforts, according to learned counsel, have proven to be fruitless.

2. Learned counsel has further argued that the Impugned Notification has not been published in the official gazette in contravention of Section 20-A of the General Clauses Act, 1879 (“Act”)². He has lastly contended that contravention of the noted provision is fatal³, and the notification is liable to be set-aside on this ground alone.

3. Conversely, learned Assistant Advocate General has argued that the fee was enhanced after a lapse of many years. He has further contended that due to the operation of the interim order⁴ in the instant petition, the Respondents have been unable to collect the renewal fee from the Petitioners. He has invited our attention to notifications from other Provinces, in which according to the learned AAG, renewal fee is being charged in excess of the fee in the Impugned Notification. He has further contended that instant petition is not maintainable as the entire premise on which the petition is based is flawed and erroneous. In this regard, he has placed on record copy of the Impugned Notification dated 05.10.2013, which according to him, was published on 07.04.2014⁵. Learned AAG has averred that the Petitioners are liable to pay enhanced annual fee from the date of the publication of the Impugned

² **20A.** Rules and Order, etc., to be published. All rules, Orders, regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette.

³ KMC versus S.N.H. Industries reported at **1997 SCMR 1228**.

Dilshad versus SSP and Others reported at **PLD 2007 Karachi 330**.

Muhammad Suleman versus Abdul Ghani reported at **PLD 1978 SC 190**.

Pakistan Beverage Limited versus Deputy Director (Food) reported at **1984 CLC 2687**.

Government of Sindh versus Khan Ginners reported at **PLD 2011 SC 347**.

⁴ Order dated 30.01.2014.

⁵ The instant petition was presented before this court on 28.01.2014, prior to the publication of the Impugned Notification.

Notification. He has lastly contended that a similar petition was filed before this Court which eventually culminated into proceedings before Hon'ble Supreme Court⁶. In the noted appeals, vide order dated 25.05.2016, the Respondents (some of whom are Petitioners in the instant petition), undertook to pay the revised fee in terms of the earlier notification.

4. We have heard both the learned counsels and perused the record with their assistance. The primary contention advanced by the learned counsel for the Petitioners is the non-publication of the Impugned Notification in the official gazette. As noted above, the learned AAG has placed on record copy of the Impugned Notification dated 05.10.2013, which was published in the official gazette on 07.04.2014. We do not deem it necessary to extensively deliberate upon the contention advanced by the Petitioners, as the entire premise on which the instant petition rests is misconceived. Further, the argument advanced by the learned counsel for the Petitioners regarding the increase being arbitrary and excessive, belies the record before us. We agree in this regard with the contention of the learned AAG that the enhancement was done after a lapse of several years, hence the noted submission made on behalf of the Petitioners is without force.

5. Therefore, the instant petition is dismissed with directions to the Petitioners to pay the renewal fee from the date of the publication of the Impugned Notification in the official gazette, as noted above.

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⁶ Civil Appeal No. 160 to 166-K/2015.