

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-1673 of 2016.

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DATE	ORDER WITH SIGNATURE OF JUDGE
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27.09.2017.

M/s. Zubair Ahmed Abro & Ayatullah Khuwaja, Advocates for petitioners.

Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.

Miss Saman Rafat Imtiaz, Advocate for respondent No.4.

Mr. Mayhar Kazi alongwith Omer Saleem Memon, Advocate for respondent No.9.

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Learned counsel for respondent No.9 has concluded his arguments.

During arguments, he contended that respondent no 9 has launched many schemes for the welfare of local persons of the area where the subject matter i.e *coal mine project* is going on; they are providing training to 30 engineers at Daharki as well have signed MoU with Mehran University of Engineering & Technology, Jamshoro, that if anyone from entire Sindh will get admission in Mining technology they will award scholarships to those students; they have also established Centre of Excellence in said University; however, with regard to general scholarships for Islamkot area he will seek instructions from their client; further, he contends that number of bed in Indus Hospital is increased upto 250 and four schools have also been established, remaining schools including one TCS School with the capacity of 1000 students will also be established upto secondary level.

2. Since it was pointed out by this Court that in Thar there is a mechanism provided by the Sindh Government, Education Department and Sindh Education Foundation, but since no facility higher education is available there so respondent No.4 may establish a Campus of any reputable private / public sector University at Mithi , which is headquarter of Tharparkar. To this, the learned counsel for respondent No.9 contends that he will seek instruction from his client on this issue as well. Further, he contends that in Ghorano and

Block-2 where electricity is not available the company would provide major financial assistance for installing solar energy system to those houses. It is further contended that they have also launched a scheme in the name of “Khushhal Thar” and pursuant to that scheme a Vocational Training Institute as well one Disaster Recovery Cell, having facility of well equipped ambulance, in collaboration with Amn Foundation for the inhabitants of the area (where the subject matter / project is going on) would be established; however, he would seek instruction for establishing a snake bite research centre. He also contends that Airport for Islamkot is also complete.

3. We appreciate the efforts being taken or undertaken by respondent No.9, however, they are *otherwise* under obligation to provide the necessary facilities in view of the dictum laid down in **PLD 2014 SC 350**. The status of decision of this Court as well of Apex Court is always of binding effect. An enunciated principle needs not be reopened for *further* discussion by *lower* forum, including High Court but for enforcement thereof.

4. It is also contended that at present three RO plants are in operation and every plant is providing 20,000.00 gallon per day for the residents of the area; whereas one RO plant would be operational in Ghorano. This also, being in line with *obligations*, is also worth appreciating.

5. Learned counsel for respondent No.4 concluded her arguments. She contends that this coal project is a part and parcel of C PEC and pursuant to that they will establish two power plants; there is Chinese investment in Engro Power Gen Thar. On this contention query was made whether any benefit is planned by federal government, to bring tharparkar Umerkot Badin in the main stream of other areas by connecting through Highways/motorways and other facilities in shape of mega projects, as initiated in other parts of country, would be taken. Learned counsel is unaware and contends that this issue pertains to Federal Government. Accordingly, we issue notice to Assistant Attorney General with direction to seek instruction that why this area is being deprived of privileges available under such huge schemes of C PEC which *otherwise*

provided at other parts of country hence *failure* to provide such privileges to this *area* of desert would always be a *discrimination*.

Learned AAG, Sindh shall ensure production of Thar Commission report on next date.

6. This is partly heard, since composition of this Bench is being changed and all learned counsel are agreed that this matter may be sent to Principal Seat for further hearing, hence office shall send the instant file to Principal Seat for placing the same before the Honourable Chief Justice for appropriate orders.

To come up on 24.10.2017.

JUDGE

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