

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-7508 of 2019

Date	Order with signature of Judge
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PRIORITY.

1. For hearing of Misc. No.33076/2019.
2. For hearing of main case.

Present:-

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Yousuf Ali Sayeed.

Muhammad Ismail Siddiqui & others-----petitioners

Versus

Government of Sindh & others-----respondents

17.03.2020.

Mr. Fayyaz Ahmed Abro, advocate for the petitioners.

Mr. Muhammad Jawwad Dero, Addl. A. G.

Junaid Ahmed, Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh (Respondent No.3) is present.

Respondents No.4 to 12 are called absent.

Muhammad Ali Mazhar,J: It is inter-alia contended by the learned counsel that the petitioners are the members of M/s. S. M. Taufiq Road Traders Welfare Association Khalid Cloth Market, Liaquatabad, Karachi, which is registered with the Directorate of Industries (Registration Wing), Government of Sindh. According to the petitioners, the association has 603 members. It is further contended that according to Clause-17 of the Articles of Association, the elections of the Association are to be held after every three years, and the General Secretary is bound to convene a

meeting of the general body for elections of the members of the Managing Committee and its officer bearers.

The Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh (Respondent No.3) has already filed his comments and today he is also present in Court. According to the reply of the paragraphs-03 and 04 of the petition, it is stated that last elections were conducted on 01.04.2010. Learned counsel for the petitioners submits that since 2010 no fresh elections have been conducted and the ad-hoc committee has been constituted to run the affairs of the Association with the help of the respondent No.3.

On the contrary, The Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh (Respondent No.3) submits that ad-hoc committee was constituted by the Association itself and the respondent No.3 has no role to play. For the purposes of holding elections, the Articles of Association is a sacrosanct document which should be applied in its letter and spirit. Since it is a mandatory requirement that the elections should be conducted after every three years and admittedly it is mentioned in the reply of the Provincial Assistant Registrar, Joint Stock Companies, Government of Sindh that the last elections were conducted in the year 2010, therefore new election was due much earlier, but the same was not conducted as per Memorandum and Articles of Association.

We had issued notice to the private respondents No.4 to 12, but they are called absent today.

The petition is disposed of in the following terms:-

1. The respondent No.3 shall call the members of the ad-hoc committee of M/s. S. M. Taufiq Road Traders Welfare Association Khalid Cloth Market, Liaquatabad, Karachi thereafter respondent No.3 shall fix a date for convening a meeting of the general body for elections of the members of the Managing Committee and its officer bearers.
2. The elections shall be conducted in a transparent manner within one month according to the procedure as mentioned in the Articles of Association.
3. After the elections the charge shall be handed over to the newly elected managing committee by the respondent No.3 and he will also notify the result of elections.

Pending application is also disposed of.

A copy of this order shall be communicated to the Advocate General, Sindh as well as Respondent No.3 for compliance.

JUDGE

JUDGE

MUBASHIR