

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P No.D-5970 of 2019

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Order with signature of Judge

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**Fresh Case**

1. For orders on Misc No.26471/2019.
2. For orders on Misc No.26472/2019.
3. For orders on Misc No.26473/2019.
4. For hearing of main case.

**20.9.2019**

Mr. Mumtaz Alam Laghari, advocate for the Petitioner.  
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1. Urgent application is granted.
2. Granted subject to all just legal exceptions.

3&4. It is, *inter-alia*, contended by the learned Counsel for the Petitioner that Petitioner-Sugar Mill has been asked to deposit share of contribution amounting to Rs.1422,720.00 under Section 12(3) of Employees' Old-Age Benefits Act, 1976. Per learned Counsel, the impugned Demand Notice dated 28.8.2019 is unjustified as the same is issued in excess of authority. He also called in question the registration certificate dated 23.1.2018 of the Petitioner-Sugar Mill with Employees Old-Age Benefits Scheme on the premise that M/s. Deewan Sugar Mill Distillery is the part and parcel of Deewan Sugar Mill and its employees are registered with Deewan Sugar Mill, therefore, the registration is illegal, ultra-vires and violative of law and liable to be set aside. He further added that after 18<sup>th</sup> Amendment in the Constitution, the Provincial Government has enacted Employees' Old-Age Benefit Act, 2014 which is applicable in the case of Petitioner-Sugar Mill, therefore, the demand notice dated 28.8.2019 issued by Respondents No.2 and 3 is against the aforesaid act. He next submitted that the aforesaid demand cannot be recovered through coercive measure and this Court is yet to decide as to which law is applicable in the case of Petitioner. He prays for notice and seeks interim order for suspension of demand notice dated 28.8.2019 and Show Cause Notice dated 13.9.2019.

Be that as it may, let notice be issued to the respondents as well as DAG & AAG for a date to be fixed by the office in the 2<sup>nd</sup> week of October, 2019. In the meanwhile, no coercive action shall be taken against the Petitioner-Sugar Mill. However, this interim arrangement is subject to deposit of the determined amount of Rs.1422, 420.00 with the Nazir of this Court within a period of [15] days.

JUDGE

JUDGE

*Nadir/PA*