

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4198 of 2021

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Date	Order with signature of Judge
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Present: **Muhammad Iqbal Kalhoro &  
Shamsuddin Abbasi, JJ.**

1. For orders on CMA No.19150/2021.
2. For orders on office objection.
3. For hearing of CMA No.17185/2021.
4. For hearing of CMA No.17186/2021.
5. For hearing of main case.

08.11.2021

Mr.Ahmed Ali Hussain, Advocate for petitioner.  
Mr.Shahbaz Sahotra, Spl. Prosecutor NAB a/w  
Mr.Ghulam Abbas, IO NAB and Mr.Haroon Rasheed,  
Case Officer NAB.

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**Muhammad Iqbal Kalhoro, J:-** Petitioner claims to be owner of Green Wood Residency comprising 500 plus units, flats, etc. This project was launched in 2005 by one Hafeezur Rahman but he then entered into civil litigation with the owner of land on which this project was being built and stay was granted, which continued till 2017 causing hindrance in completion of the project and handing over possession of the units to the owners.

2. Petitioner purchased the project in 2017 after such civil litigation ended in a compromise between the parties. After that he started remaining work on the site where only, per learned Counsel, gray structure of the building was available. Meanwhile, at least 39 people approached NAB with the complaint that petitioner was demanding extra charges than they were required to pay as per first agreement. An inquiry has been initiated on their complaint in the course of which publications at least in three newspapers inviting other people to approach NAB for any grievance against the petitioner have

been made. Notwithstanding, except 39 persons no one has contacted NAB, although it has been two years, since 2019, the inquiry has been in place. Petitioner, by means of this petition, has challenged the inquiry, and since a caution under Section 23 of NAO, 1999 has been put on the entire project has questioned the same by filing an application (CMA No.19150/2021), which is also fixed today for hearing along with the main case.

3. We have heard the parties. The project undisputedly comprises 500 plus units and as per claim of learned Defence Counsel the people other than complainants are ready to pay extra charges and get possession of their units to enjoy living therein. But because of caution, the left out work i.e. installation of electricity, gas and some necessary approvals from Cantonment is pending. He states that he would be satisfied if caution to the extent of 39 complainants may remain in force till logical conclusion of their grievance. But petitioner may be allowed to take up remaining work and hand over possession of the unit to whosoever is ready to abide by new terms, which, according to him, are being enforced on account of escalation in cost of items of constructions.

4. Learned Special Prosecutor, IO and Case Officer have opposed this request and submitted that in future some complainant may come and section 23, NAO, 1999 authorizes NAB to put caution on the property.

5. We have no exception to NAB's claim vis-à-vis Section 23 and powers of the Chairman NAB thereunder. But, as is clear, only 39 people with grievance against the petitioner have approached NAB and on one else so far in the last two years has contacted NAB in respect of extra charges against their respective units, in spite of efforts by NAB to fish out such

complainants. The inquiry, for the time being, therefore, will be construed in terms of Section 23 of NAO, 1999 to be in respect of only 39 units until and unless some other complaint is received or someone aggrieved with the petitioner on any issue like the one being dealt by NAB approaches it and it is found imperative to expand scope of caution over entire building.

6. In view thereof, we dispose of the listed application CMA No.19150/2021 and the petition at the same time in the terms whereby the caution under Section 23 of NAO, 1999 may remain, particularly on 39 units. The petitioner, notwithstanding, may take up remaining work and deal with the owners of remaining units for giving them possession of their units in accordance with law irrespective of such caution i.e. Section 23 of NAO, 1999. This dispensation, however, would be subject to any complaint received by NAB in future and would not be understood to encompass a permission to petitioner to sell/alienate units to a third party other than the actual allottees/owners, which if contemplated or done already, however, would be amenable to relevant law and the parties would be at liberty to get redressal of their grievances before the relevant forums in accordance with law.

7. The petition stands disposed of in above terms along with listed applications.

JUDGE

JUDGE

Shakeel, PS.