

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. -1102 of 2022

[M/s. Umar Baloch Enterprise (Pvt.) Ltd. v. Province of Sindh through Chief
Secretary and others]

Order with signature of Judge(s)

1. For orders on office objection at flag 'A'
2. For hearing of CMA No.9506/2022 (U/O XXXIX Rules 1 & 2)
3. For hearing of CMA No.9789/2022 (U/S 94 CPC)
4. For hearing of CMA No.10061/2022 (U/O 1 Rule 10)
5. For hearing of CMA No.10062/2022 (U/O XXXIX Rule 4)
(Notice issued)

30.06.2022

Khawaja Shamsul Islam, Advocate for the plaintiff

Mr. Asad Iftikhar, AAG

Mr. Abdul Aziz Dayo, Advocate files Vakalatnama on behalf of
defendant Nos.3 and 4 alongwith Mr. Abdul Ahad Shaikh, Law
Officer

Mr. Ahmed Masood, Advocate for proposed applicant/intervener
alongwith Mr. Shariq Razzak, Advocate

After hearing the matter at length, with the consent and
affirmation from the department representative, following orders are
passed:-

1. The auction (for one year from 01.07.2022 to 30.06.2023), which
is about to be held today at 11:00 a.m. shall take place today at
02:00 p.m. Any party who was unable to participate in the bid
proceedings on account of any reason particularly because of the
stay granted by this Court's on 22.06.2022, would be permitted to
participate, provided however, all the requisite qualifications as
prescribed in the tender are meted out.
2. The grievance of the plaintiff that on account of lumpy skin
disease he was unable to collect fees on account of ban imposed
on 07.03.2022, which as confirmed by the departmental law
officer is still in place, is given the privilege of first right to meet
the highest bid, as well as, any sums that he has paid as part of
existing agreement, the department would offer that concession
of the equal sums (available at page 71) to him while considering
the bids of the plaintiff. Learned counsel for the plaintiff
particularly states that the right to match the highest bid would
be the amount, which has emanated from the highest bidder

made during the auction proceedings, and once the highest bid has been achieved, there would be no further bidding and the plaintiff would be entitled to match that bid as first right. No *inter se* bidding will commence between the plaintiff and the highest (or any other) bidder thereon.

This disposes of CMA No.10061 of 2022 and CMA No.10062 of 2022.

To come up on 18.07.2022.

JUDGE

B-K Soomro