

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Suit No. -1457 of 2022**

[ARY Communications Ltd....v.... Federation of Pakistan through Secretary M/o  
Information and Broadcasting and others]

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Order with signature of Judge(s)

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1. For hearing of CMA No.11505/2022 (Stay Application)
2. For hearing of CMA No.11584/2022 (U/s 94 CPC)
3. For hearing of CMA No.11636/2022 (U/o I Rule 10)
4. For hearing of CMA No.11849/2022 (Contempt Application)
5. For orders on office objection at flag "A"

**25.08.2022**

M/s. Abid S. Zuberi, Ayan Mustafa Memon and Ms. Amna Khalili,  
Advocates for the plaintiff  
Mr. Kashif Hanif, Advocate for defendant No.2  
Khawaja Shamsul Islam, Advocate for defendant Nos.3, 4 and 5  
Mr. Ahmed Ali Hussain, Advocate for alleged contemnor No.4  
Mr. Ali Tahir, Advocate for alleged contemnor Nos.1, 2, 3, 6, 7, 9,  
17 and 18 alongwith Mr. Muhammad Hashir, Advocate  
Mr. Khaleeq Ahmed, DAG a/w Ms. Erum Tanveer, D.G (PR) Press  
Information Department  
Mr. Tufail Ahmed Channa, Regional Director, PEMRA, Karachi  
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Learned counsel for the plaintiff by drawing Court's attention to the various orders of this Court, particularly order dated 10.08.2022, as well as, the order passed by the learned Divisional Bench of this Court on 23.08.2022, submits that the plaintiff's channel ARY News is still off-air, which contentions are denied by the learned counsel representing alleged contemnor Nos.1, 2, 3, 6, 7, 9, 17 and 18 (i.e. 8 cable operators) as well as Mr. Kashif Hanif, learned counsel for defendant No.2. Learned counsel for the plaintiff agitates that this Court in very clear terms directed Mr. Muhammad Saleem Baig, Chairman PEMRA to ensure that the plaintiff's channel be restored to its original position, where it stood as of 08.08.2022, therefore absence of Mr. Baig coupled with the fact that notwithstanding a number of circulars have been issued by him, transmissions of the channel are still off-air, making it a contemptuous act and proceedings against Mr. Baig be initiated under the Contempt of Court Ordinance, 2003.

In the circumstances at hand, issue Show Cause Notice to Mr. Muhammad Saleem Baig, Chairman PEMRA for **07.09.2022**, when he should be personally present in this Court, as to why contempt proceedings under the Contempt of Court Ordinance, 2003 not to be instituted against him as he has failed to comply with the Court's orders dated 12.08.2022 and 17.08.2022 failing to use his authority to have the channel restored as per clear directions issued to him by this Court.

At the same time, Court's attention is drawn that while the date of responding to the Show Cause Notice (page-133) was enlarged upto 15.08.2022 and since Mr. Baig was in Karachi on that date, therefore, the proceedings could not take place with regards the said Show Cause Notice and even thereafter the matter with regards the said Notice has not proceeded with. It has been requested to the Court that a hearing in furtherance of the said Show Cause Notice could take place on 29.08.2022 preferably at 03:00 p.m. at Islamabad and it is stated that the proceedings in this regard would be conducted in a fair and transparent manner, providing the plaintiff a fair opportunity to adduce his defence and any role that could have been attributed to him. Ordered accordingly. Let these proceedings take place in a judicious manner while upholding the principles of fair trial and natural justice and let outcome of the proceedings emanating from the said Show Cause Notice be handed out to this Court in a sealed envelope, without its contents having been disseminated to any one, and any action in furtherance thereon to remain subject to further orders of this Court.

Since this Court has already issued directions that the individual who used the language that caused this *mayhem* has already been stopped from appearing on ARY News, let the matter be decided with compassion as it relates to livelihood of thousands of families and let

any apology or undertaking been given in this regard be considered before any adverse orders are passed.

At hand is also a question of writ of PEMRA, which to ensure that a channel that was in full bloom operation was completely blacked out after issuance of the impugned Show Cause Notice, where there was a threat made in the show cause notice itself that the Authority may be constrained to ban transmission of such contents. Thus any pre-emptive closure of the channel is highly questionable.

In the circumstances at hand, let directions of this Court be complied with and PEMRA to use all force and legal strength available to it to ensure that the channel's transmissions are restored in accordance with the Regulation and to take action under section 33A of PEMRA Ordinance, 2002 against cable operators and all those involved.

To come up on **07.09.2022** at **11:00 a.m.** Interim order passed earlier to continue till the next date of hearing.

JUDGE

B-K Soomro