

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1210 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For hearing of CMA No.11847/2022 (stay).
2. For hearing of CMA No.11896/2022 (stay).
3. For hearing of CMA No.11897/2022 (contempt).

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Dated 19.09.2022

M/s. Malik Naeem Iqbal and Faizan Hussain Memon,
Advocates for the plaintiff.

Mr. Zaheer-ul-Hassan Minhas, Advocate along with alleged
contemnors Riaz Khatri and Naseer Ayub.

Ms. Saima Imdad, A.A.G.

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By virtue of an order dated 17.08.2022 the defendants were directed that before conducting the auction proceedings, they may scrutinize the documents of the plaintiff and pass appropriate order for their participation in the auction proceedings, however, defendant No.3 not only changed the venue of auction proceedings but all of a sudden, without informing the participants including the plaintiff awarded the contracts. That apparently is a controversy. Awards were in sheer violation of the order for which contempt application is pending and notices against the alleged contemnors were issued by virtue of order dated 18.08.2022.

Mr. Zaheer-ul-Hassan Minhas, learned counsel for alleged contemnors submits that in view of above facts and circumstances the contracts were awarded to M/s Bahawal Khan Brohi which is also the name of a firm, through its proprietor Mr. Bahawal Khan Brohi and M/s SK Enterprises.

This apparently is a sham and bogus proceeding, initiated by defendants and despite orders of this Court they went on to award the contracts. Although the counter affidavit to the contempt application has been filed but without documents and Mr. Minhas has filed the relevant documents today in Court disclosing that awards have been made.

I, therefore in view of the above, suspend the operation of the awards. The District Municipal Corporation on its own may conduct such exercise required to be done under the awards till next date of hearing.

On the verge of above dictation, Mr. Zaheer-ul-Hassan Minhas has intervened and requested that in such a situation they may be permitted to conduct fresh auction proceedings and they undertook to cancel the awards as issued by them in the disputed process under challenge. Mr. Zaheer Minhas has conceded that plaintiff was not given opportunity to participate in pursuance of orders of this Court. That has not been opposed by Mr. Naeem Iqbal, learned counsel for the plaintiff, provided his client may be permitted to participate in the auction proceedings afresh and that could only be subject to scrutiny of his documents.

With the above understanding the suit is disposed of along with pending applications with direction that the Nazir of this Court shall conduct the fresh auction proceedings to be initiated through publication having vast circulation whereafter in two weeks' time the proceedings be concluded. The publication be made in two weeks' time from today whereafter auction proceedings be finalized in another two weeks. DMC (Malir) shall inform all previous participants separately. The report however of such auction proceedings be filed as supervised by the Nazir, in four weeks' time from today. Nazir's fee is fixed at Rs.30,000/- to be paid by the plaintiff.

Although the contempt issue is between the Court and alleged contemnors, but the learned counsel for the plaintiff in view of the grace shown by Mr. Minhas, does not press the contempt application which is accordingly dismissed as not pressed.

JUDGE

Ayaz Gul