

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1926 of 2018

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| Date | Order with signature of Judge |
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Present: **Aqeel Ahmed Abbasi, &**
Abdul Mobeen Lakho, JJ.

1. For hearing of CMA No.8311/2018.
2. For hearing of main case.

30.5.2022

Mr.Abdul Ahad, Advocate for Petitioner.
Mr.Muhammad Sarfraz Sulehri, Advocate for
Respondent.
Mr.Abdul Wahab Baloch, DAG.

Aqeel Ahmed Abbasi, J: Learned Counsel for Petitioner submits that instant petition was filed in view of the fact that the Respondents were creating harassment and were not issuing NOC for the purpose of maintenance and repairing of oil tanks and pipelines operated by the Petitioner in the premises of the KPT under a valid Lease Agreement. However, according to learned Counsel, after notice to Respondents in this petition, the Respondents were restrained from taking any coercive action against the Petitioner and not to pass any final adverse order without permission of the Court, and thereafter, no harassment has been created and Petitioner was allowed to carry out the maintenance and repairing of oil tanks and pipelines while issuing the NOC for the said purpose. According to learned Counsel for Petitioner, the Petitioner would be satisfied and will not press instant petition, provided that the Respondents may be directed not to create any hindrance or harassment with regard to their lawful business activity as per Lease Agreement executed between the parties and as the Petitioner will require maintenance and repair of the

oil tanks and pipelines, the said request may be processed in accordance with law.

2. Learned Counsel for Respondent i.e. KPT and learned DAG submit that no hindrance was created in the lawful business activity of the Petitioner as per lease agreement, however, the Petitioner started to raise construction of tanks without permission from concerned authorities and in violation of the lease agreement as detailed in the reply filed by KPT. According to learned Counsel, Petitioner in the start of repair and maintenance work attempted to convert the tanks meant for storage of molasses and edible, into storage of petroleum product, without obtaining requisite lease and permission from concerned Ministry and also in violation of Notifications issued by Federal Government. It has been submitted that Respondents intend to create any harassment to Petitioner provided the Petitioner may be directed to carry out their business activity strictly in terms of Lease Agreement executed between the parties in accordance with law and in case of any further activity beyond the scope of lease agreement, necessary legal formalities, approval and permission shall be sought from concerned authorities

3. Since the relief being sought through instant petition has already been granted in substance, whereas, further relief, if any, can be sought subject to compliance of codal formalities, however, subject to law and terms of lease, therefore, in view of above position, the petition stands disposed of along with listed applications.

JUDGE

JUDGE

Shakeel, PS.