

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P No. D-3522 of 2022

Dated Order with signature of Judge.

Hearing

1. For order on office objection.
2. For hearing of main case.

14.03.2023.

Mr. Ali Raza Habb, Advocate for the Petitioner
Mr. Jawad Dero, Addl. A.G. along with Junaid Ahmed, Provincial
Assistant Registrar, Joint Stock Companies, Sindh.
Kazi Abdul Hameed Siddiqui, D.A.G.

YOUSUF ALI SAYEED, J.- The Petitioner is the registered Welfare Association of a residential housing project, and has invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning certain letter issued by the Provincial Assistant Registrar, Joint Stock Companies, Sindh Karachi, rejecting various amendments to its Memorandum of Association and Articles of Association that had earlier been accepted, and thereafter curtailing the process of election for office bearers of the Association due to the presence of such amendments.

A perusal of Petition reflects that the main ground advanced are that the rejection of such amendment took place without any prior opportunity of hearing and the correspondence addressed to the Petitioner in that regard failed to point out which particular amendment(s) were allegedly unlawful and had been rejected. It was also alleged that the election of Association could not be

stopped and that the decision in that regard was malafide. Proceeding with his submissions, learned counsel for the Petitioner presented his arguments in the same vein.

Conversely, the Provincial Assistant Registrar, who was in attendance personally, submitted that the newly added Clause 3.26 of the Memorandum and Clause 17.3 of the Articles were liable to be rejected as they were repugnant to the overall scope and purpose of a welfare association, as such amendments sought to address the subject of sale and transfer of plots. He submitted that the action taken by authority had been prompted by a complaint of illegal sales and transfers. He submitted that beyond those particular amendments, no other amendment was of concern.

In the wake of such submission on the part of Provincial Assistant Registrar, learned counsel for the Petitioner submitted that if such formal clarification was forthcoming, the matter would stand resolved.

Under the given circumstances, we dispose of the Petition by directing the Petitioner to approach the Provincial Assistant Registrar for appropriate clarification in the matter and are sanguine that such a clarification would be made without undue delay. The Petition stands disposed of accordingly.

JUDGE

CHIEF JUSTICE