

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
CP D 2511 of 2023

Date	Order with signature of Judge(s)
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1. For order on Misc. No.12091/2023
2. For order on Misc. No.12092/2023
3. For order on Misc. No.12093/2023
4. For hearing of main case

**25.05.2023**

Mr. Mushtaque Hussain Qazi, advocate for the petitioner

1. Granted. 2. Granted; subject to all just exceptions. 3 & 4. The petitioner, representing itself to be a trust, has preferred this petition seeking a declaration, from this Court in the exercise of its writ jurisdiction, that the petitioner is a non-profit organization (“NPO”). Directions are also sought for the release of consignment (said to be capital goods) on the premise that the petitioner already enjoys the status of an NPO.

At the very onset, petitioner’s counsel was confronted with regard to the maintainability hereof *inter alia* as to how such a declaration and consequent direction be given by this Court in its Constitutional jurisdiction. The counsel remained unable to articulate any cogent response.

The counsel rested his case on a *conditional* order dated 27.07.2022 issued by the FBR, whereby approval was accorded subject to compliance of preconditions, including obtaining a positive performance evaluation report from the Pakistan Centre for Philanthropy (“PCP”). However, it was admitted that no such satisfactory report was issued to the petitioner.

The counsel then argued to impeach the credentials of PCP, however, it is apparent that PCP has not even been arrayed as a respondent herein.

The counsel also failed to address whether the aforementioned order dated 27.07.2022, granting conditional approval, was assailed at the relevant time in the statutory hierarchy.

The grant of NPO status is a prerogative of the concerned authority and any grievance in respect of any order in such regard ought to be assailed before the forum designated at the relevant time. No case has been made out to abjure the entire statutory process and seek direct recourse to writ jurisdiction of the High Court.

Article 199 of the Constitution contemplates the discretionary<sup>1</sup> writ jurisdiction of this Court and the said discretion *may* be exercised in appropriate circumstances. In the present matter no case has been set forth before us for invocation of writ jurisdiction. In view hereof, this petition and pending application are hereby dismissed in *limine*.

J U D G E  
J U D G E

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<sup>1</sup> Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.