

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-5753 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.26867/2023 (Urgent).
2. For order on office objection No.19 & 27.
3. For order on CMA No.26868/2023 (Exemption).
4. For order on CMA No.26869/2023 (Stay).
5. For hearing of main case.

Dated: 30th November 2023

Mr. Farrukh Jan Shaikh, Advocate for Petitioner.

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1. Urgency granted.
 2. Learned counsel for the petitioner undertakes to comply with office objections before the next date of hearing.
 3. Exemption granted subject to all just exceptions.
- 4&5. Through instant Constitutional Petition, the petitioner has impugned a letter dated 22.11.2023 issued by the Regional Incharge, Ministry of Energy (Petroleum Division), Department of Explosives, Government of Pakistan, addressed to the Deputy Commissioner, District Korangi, Karachi, copy of which has been marked to the petitioner, whereby, according to learned counsel for the petitioner, without providing any opportunity of being heard to the petitioner, concerned Deputy Commissioner has been directed to seal the premises of the petitioner on the ground that petitioner has not obtained NOC from the concerned Deputy Commissioner and license from the Explosives Department in terms of Petroleum Rules, 1937, whereas, according to learned counsel for the petitioner, petitioner has taken precautionary measures and applied for issuance of NOC from the concerned Deputy Commissioner, whereafter, petitioner will obtain license. It has been further contended by the learned counsel for the

petitioner that petitioner undertakes to stop the operation/storage/sale and use of furnace oil for dangerous category "A", till the petitioner may seek NOC and obtain license after completing all codal formalities from the concerned departments, however, requests that till next date, respondents may be restrained from taking any further coercive action against the petitioner.

Contentions raised require consideration. Mr. Khaleeq Ahmed, D.A.G., who is present in Court in some other cases, waives notice of instant petition on behalf of respondents No.1&5, claims its copy alongwith annexures and requests for time to file comments/reply. Learned counsel for the petitioner undertakes to supply copy of the same during course of the day. Let pre-admission notice be issued to the remaining respondents as well as to the Advocate-General, Sindh, to be served through first three modes, for **11.12.2023**, when comments/reply, if any, shall be filed with advance copy to the learned counsel for petitioner. In the meanwhile, petitioner shall not carry on the operation/storage/sale and use of furnace oil (HFO) for dangerous category "A" without obtaining NOC and license from the concerned department and till further orders by this Court. However, till next date, respondents shall not take any further coercive action against the petitioner pursuant to impugned letter dated 22.11.2023.

ACTING CHIEF JUSTICE

J U D G E

Farhan/PS
