

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1480 of 2020
C.P. No.D-172 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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16.08.2023

Mr. Muhammad Jamil Ahmed advocate for the petitioners in C.P. No.D-1480/2020.

Mr. Abdullah Azzaam Naqvi advocate for petitioner in C.P. No.D-172 of 2023.

Mr. Asif Ali Bughio advocate for HDA / respondent No.2 in C.P. No.D-172/2023

Mr. Zaheeruddin Sahito advocate for respondent No.4.

Mr. Tufail Ahmed Abbasi Assistant Director (Law) on behalf of respondents No.4 & 5 in C.P. No.D-1480/2020 and respondent No.5 in C.P. No.D-172/2023.

Mr. Muhammad Yousuf Rahpoto Assistant AG.

Installation of BTS (Base Trans-Receiver Station) in a residential area is under challenge.

Since common questions are involved in the two petitions fixed before us today, all counsel have agreed that before the petitioner in the connected petition (C.P No.D-172/2023), i.e. Engro Enfrashare (Private) Limited is allowed to provide infrastructure for operating a Tower for the different Network Companies, the company may undergo a process to be identified and recognized under the revised policy / guidelines for installation of BTS (Base Trans-Receiver Station) Tower for Mobile Telephone Networks. Such guidelines of Government of Sindh are available at page 55 to 63.

We have noticed that petitioner Engro Enfrashare (Private) Limited has not undergone the guidelines before it could be recognized as a legitimate one.

With the assistance of the counsel in attendance we have noticed that the participants of the committee under the guidelines, for the approval of such entity, providing infrastructure, ignored one entity's

participation i.e. the person / persons being affected by the installation of such Tower. That party or parties / person or persons may be recognized as one who should be heard before the committee approves / disapproves such infrastructure provider. Such revised guidelines include :

- (1) NOC / Approval Process
- (2) Installation of BTS Tower
- (3) Tower Design
- (4) Committee which comprises of number of component meant to see its functioning and affects etc.

With this understanding these petitions are accordingly disposed of. The petitioner in the connected petition would “not operate” unless a certificate in terms of above compliance is issued. We expect that the committee so constituted under the revised policy shall pass a speaking order strictly in accordance with law within six weeks.

JUDGE

JUDGE

