

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Const. Petition Nos.D-6346 of 2023

<i>Date</i>	<i>Order with signature of Judge</i>
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Priority.

1. For hearing of CMA No.29622/2023.
2. For hearing of main case.

14.02.2024:

Mr. Kamran Iqbal Bhutta, advocate for the petitioner.
Mr. Khaleeq Ahmed, DAG.
Mr. Manzoor-ul-Haq, Law Officer along with
Muhammad Zafar, Assistant Director, State Bank of
Pakistan (BSC)

Reply has been filed on behalf of respondent No.3, which is taken on record, copy thereof has been supplied to the learned counsel for the petitioner, whereas, an objection has been raised as to maintainability of instant petition on the ground that petitioner is required to submit response to the notices issued by the adjudicating authority and in case of any further grievance, he shall has the remedy to file an appeal against any order passed in the instant matter. It has been further argued that since there has been inordinate delay and default on the part of petitioner, who could not procure the foreign exchange pursuant to export made for more than one year, therefore, the adjudicating authority has the jurisdiction to proceed against the petitioner in accordance with law.

While confronted with hereinabove submissions, learned counsel for the petitioner submits that though the respondents are imposing the default and delay in the instant matter and by ignoring the paragraph 33-A, Chapter 12 of Foreign Exchange Manual, pursuant to Circular No.02 of 2023 issued on 31.03.2023 by the State Bank of Pakistan, however, petitioner will be satisfied if respondents may be directed not to proceed further against the

petitioner as the petitioner is willing to give undertaking that entire export proceeds will be realized within a period of two months.

Muhammad Zafar, Assistant Director, State Bank of Pakistan (BSC) present in Court requests for time to seek instruction in this regard, however, submits that since instant petition is not maintainable and it will amounts to lingering on the lawful proceedings initiated in accordance with law. He further submits that if the petitioner will approach the adjudicating authority with such request the same will be entertained in accordance with law.

Accordingly, petition stands disposed of along with listed application.

CHIEF JUSTICE

JUDGE

Nadeem