

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P. No. D – 1425 of 2021

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objections at Flag-A
2. For hearing of CMA No.6816/2021 (S/A)
3. For hearing of main case

15.10.2024

Mr. Sohail Ahmed Khoso, Advocate for petitioners.
Mr. Nisar Ali Memon, Advocate for respondents-Sindh Small Industries, Sukkur.

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Learned Counsel for the petitioners has apprised this Court that the petitioners, upon an advertisement having appeared in local newspaper(s) in the year 2009, chose to apply for A-Category plots measuring 1000 square yards, situated at Small Industrial Estate (Extension), Sukkur, for which the total cost was promised to be Rs.4,30,000/- for each plot, payable in the method prescribed in the advertisement. Learned Counsel states that the petitioners have deposited the amount, since possession was not handed over to them until the final payment of Rs.4,30,000/- for each plot was accumulated on 19.12.2017. However, seemingly thereafter, letters dated 27.08.2019 were issued to each petitioner, titled as Final Notices for Payment of the Outstanding Dues, claiming an amount of Rs.3,70,000/- for each plot, at which time the petitioners were informed that the rate has increased to Rs.800/- per square yard. Learned Counsel submits that the petitioners were also threatened through the said letters that if their outstanding amount is not paid, their earlier deposited amount would be forfeited. Learned Counsel states that to avoid any unforeseen circumstances, the petitioners submitted two drafts of Rs.4,22,500/- each dated 01.02.2021 (available at page 43); however, the respondents refused to accept the same as they were bent upon cancelling the allotments of the petitioners.

Today, learned Counsel for the petitioners, under a Statement has filed photo-stat copies of the advertisement and the final notices dated 10.09.2021, whereby the respondents have cautioned the petitioners that why not their cases be referred to competent authority for cancellation of the allotments of plots and forfeiture of the amount deposited by them against the cost of the plots.

Learned Counsel for the respondents, who has also filed a Statement along with certain documents, relies on para-wise comments of respondents No.2 to 4 as well as the Statement filed today. Perusal of the same reflects that for the very first time, the petitioners were confronted with the new rates on 27.08.2019. There is no communication available on the file to show when this rate was enhanced and when, for the very first time, the petitioners were confronted with these rates, notwithstanding that the petitioners, by exercising due diligence, chose to submit bank drafts in the outstanding amounts, to the respondents, which were not considered. It appears from the comments of the respondents that thereafter a number of notices in the year 2021 were issued, all of which seem to be a calculated attempt to deprive the petitioners of their proprietary interests in the subject plots, for which no justification has been submitted to this Court. The respondents seemingly are trying to usurp the sum which has already been paid by the petitioners though the petitioners are willing to deposit the remaining sum. Learned Counsel for the respondents submits that in the circumstances there is no other option available to the respondents except to cancel the allotments of the petitioners. When a question was posed regarding the balances payable by the petitioners, learned Counsel for the respondents answered that it is Rs.3,70,000/-. We direct the petitioners to deposit forthwith Rs.3,70,000/- to be received by the respondents, and the respondents will finalize the allotment process and hand over the allotted plots to the petitioners within a period of 30 days.

The petition stands **disposed of** in the above terms. Let a copy of this order cover in hand be supplied to the office of Additional Advocate General Sindh as well as be sent directly to the Board of Directors of Sindh Small Industries Corporation for compliance.

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Abdul Basit