

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-4921 of 2022**

*(Telephone Employees Cooperative House Building Society Ltd. v. Province of Sindh & Others)*

**ALONG WITH**

**CP No. D-6609 of 2020**

*(Mohammad Rafiq & Others v. Province of Sindh & Others)*

-----  
**DATE**

**ORDER WITH SIGNATURE(s) OF JUDGE(s)**  
-----

**CP No. D-4921 / 2022**

1. For order as to non-prosecution of CMA No.25207 / 2022 (Contempt)
2. For order as to non-prosecution of CMA No.5942 / 2024 (Sec 94)
3. For order on CMA No.19334/2023 (O 1 r 10)
4. For order on CMA No.19335/2023 (O 1 r 10)
5. For hearing of CMA No.25098/2024 (O 18 r 18)
6. For hearing of CMA No.25099/2024 (Sec 94)
7. For hearing of CMA No.24104/2022 (Contempt)
8. For hearing of CMA No.20918/2022 (Stay)
9. For hearing of Main Case
10. For order on Nazir Report dated 21.1.2025

**22-1-2025**

Mr. Faiz Muhammad Durrani, Advocate for Petitioner in CP No. D-4921/2022  
Mr. Riaz Alam, Advocate for Petitioners in CP No. D-6609//2020  
Ms. Sidra, Advocate holding brief for Mr. Zeeshan Abdullah, Advocate for Intervener  
Mr. Agha Shahzaib, Advocate for Intervener  
Mr. Suresh Kumar, AAG

-----  
**HCA No. 202 / 2020 (Imran Sanaullah v. Rafique Ahmed Qandhari & Others)**

1. The HCA No.202/2020 is unrelated to *Telephone Employees Cooperative House Building Society Limited (“Petitioner Society”)* and appears to have been mistakenly tagged by the office, due to the tagging of a file from the wrong year. This is substantiated by the Court’s order dated 25.8.2022, which specifically references HCA No.202/2022 (*Telephone Employees Cooperative House Building Society Ltd. v. Province of Sindh & Others*) and mentions an annexed order passed in the latter HCA (**Court File Pg. 95-A**). The office shall, therefore, separate / de-tag the file of HCA No.202/2020 and list it as per the roster.

**Nazir’s Interim Report dated 21.1.2025 in CP No. D-4921 of 2022 in respect of Petitioner Society:**

2. By order dated 11.11.2024, the Nazir of this Court was appointed as Administrator of the Petitioner Society. The Nazir (in paragraph 3) has referred to the report from the Deputy Director of SBCA, which indicates the presence of old

construction on the amenity plots of the Petitioner Society. The Nazir is directed to take all necessary actions to remove these constructions and, if needed, seek assistance from the concerned authorities, issuing appropriate instructions to them.

3. The Nazir (in paragraph 4) has reported that certain individuals are falsely representing themselves as office bearers of the Petitioner Society's management committee, despite the Nazir acting as the Administrator under this Court's order of 11.11.2024. The Nazir shall take appropriate action against anyone posing or claiming to be an office bearer during this period after issuing notice to them, and if the notice is not heeded, taking further measures, which may include filing a formal complaint with law enforcement agencies.

**Nazir's Report dated 9-12-2024 in CP No. D-4921 of 2022 in respect of Petitioner Society:**

4. By virtue of order dated 11.11.2024, the Nazir of this Court assumed the charge of Administrator of the Petitioner Society. Among the directions issued in the aforesaid order was a direction to the Registrar Cooperative Societies, Sindh to retrieve all original records of the Society from the previous four Administrators / Incharge and to deliver these, along with a detailed inventory, to the Nazir within fifteen (15) days from the date of receipt of this order.
5. However, the Nazir in his Report dated 9.12.2024, inter alia, notes that:
  - i) The Deputy Registrar, Cooperative Societies Sindh (Mr. Hasnain Shah), has filed a statement denying that the records of the Petitioner Society are in possession of any of the previously appointed Administrators. In view of this, the Nazir has recommended that an inquiry into the missing records and scrutiny of the plot files be entrusted to the *Federal Investigation Agency ("FIA")*, given their expertise in identifying and verifying forged documents. The Nazir has highlighted that the FIA has previously conducted inquiries into two other cooperative societies as well.
  - ii) The Nazir's report further states that the Petitioner Society has remained under government-imposed supersession from 20.10.2020 to 11.11.2024, during which period no elections were conducted by the relevant governmental authorities.
6. In response to the Nazir's aforesaid observations, the Counsel for the respective parties are in agreement on the following:

- i) An inquiry by the FIA should be carried out as recommended by the Nazir;
- ii) Elections for the Petitioner Society should be held without delay.

7. In light of the foregoing, it is ordered that, with respect to the Petitioner Society:

- i) FIA Inquiry: The FIA is directed to initiate an inquiry into the missing records of the Petitioner Society and scrutinize/verify both the records and the plot files.
- ii) A comprehensive report on the findings of the inquiry shall be submitted by the FIA to this Court **within thirty-five (35) days** from the receipt of this order. The FIA will take appropriate legal action against any individuals found to be involved in any unlawful act or conduct.
- iii) The Registrar Cooperative Societies, Sindh shall facilitate the FIA during its inquiry by providing full cooperation, access to relevant records, previous Administrator(s) and any other assistance required.
- iv) Elections by Nazir: The Nazir shall conduct and supervise elections for the Petitioner Society **within forty-five (45) days** of receiving this order. If necessary, the Nazir may seek assistance from four (4) senior members of the Petitioner Society for the purpose of conducting the elections. The elections shall be held in accordance with the applicable Byelaws of the Society, as well as the relevant laws and rules.
- v) For the conduct of elections, the Nazir shall consider, among other factors, the last list of members submitted by the Petitioner Society to the Registrar's office in the year preceding its supersession. Additionally, the Nazir shall verify the original allotment and ownership documents of the Petitioner Society's plots to ensure that the listed members have not transferred their rights or interests to other individuals. Public notices shall be issued in newspapers, summoning members/voters to appear on a specified date and time with their original documents for verification.
- vi) Upon completion of the elections, the newly elected management shall take charge of the Petitioner Society, with the Nazir issuing a formal confirmation of handover.
- vii) Area Sub-Registrar: As directed on 11.11.2024, the concerned Sub-Registrar of the area shall not register any documents related to amenity

or commercial plots of the Petitioner Society. However, this directive shall cease to have effect once elections are held and management is handed over to the newly elected body

### **Missing Original Record of Superseded Cooperative Societies of Sindh**

8. The claim by the previous Administrators that they are not in possession of the original records of the Petitioner Society is worrisome. This is part of a recurring pattern, with similar denials observed from various government-appointed Administrators / Incharge in relation to other cooperative societies. Examples include *Makhdoomabad Cooperative Housing Society Ltd* (CP No. D-4857/2014), *National Cement Employees Cooperative Housing Society Ltd* (CP No. D-1331/2021) and *Ghandhara Employees Cooperative Housing Society Ltd* (CP No. D-4405/2023), to name a few. These denials are difficult to believe, because if taken at face value, they raise serious questions about how the Administrators / Incharge could have managed the superseded societies for years, carried out day-to-day functions without the original records, and yet remained silent on the matter. We find this situation unacceptable and cannot overlook it.
9. Furthermore, such denials raise serious concerns about accountability and custodianship of vital documents essential for the proper functioning and transparency of cooperative societies. This recurring issue highlights systemic failures in record management and the safekeeping of critical documents. The absence of original records poses significant challenges in resolving disputes, verifying legitimate claims, and ensuring transparency in the administration of cooperative societies.
10. To prevent the recurrence of such incidents and to safeguard the integrity of cooperative societies' operations, we direct the Cooperative Department, Government of Sindh, to take the following steps:
  - i) Centralized Record Repository: Establish a centralized repository for the safe storage and management of records. This repository should adopt modern technologies, including secure digital archiving systems, to reduce the risk of loss, theft, or forgery of documents.
  - ii) Inventory & Accountability for Administrators / Incharge etc: Establish a robust framework requiring all Administrators/Incharge or government officials to formally acknowledge the taking over of charge, as well as the receipt and custody of items, records, and documents belonging to the concerned cooperative society, immediately upon assuming their roles. This acknowledgment must include a detailed, page-numbered inventory and be issued **within**

**48 hours** of the issuance of the orders/notification appointing the Administrators/Incharge etc. Failure to maintain or return the records at the end of their tenure shall result in strict legal and administrative consequences. The inventory should be digitized and regularly updated to ensure traceability and accessibility.

iii) **Delivery via Courier or Registered Mail A.D:** To ensure transparency and provide independent proof of issuance, as well as the timely delivery and receipt of all orders or notifications appointing Administrators/Incharge or government officials, the concerned government functionaries shall dispatch these documents to the relevant cooperative society **within 24 hours** of issuance via courier services or registered mail with acknowledgment of delivery (A.D).

11. As previously ordered on 11.11.2024, the Secretary to the Government of Sindh, Cooperative Department, as well as the Registrar of Cooperative Societies, Sindh are prohibited from appointing any private individual as an Administrator / Incharge, or from appointing any person lacking appropriate qualifications or expertise to any cooperative society in Sindh.
12. A copy of this order shall be transmitted by the office to the Director General, FIA, Chief Secretary, Government of Sindh, and the learned Advocate General, Sindh, for compliance with the directives of this Court. The office shall also send a copy of this order to the Sub-Registrar of the area where the land of the Petitioner Society is situated.
13. Compliance reports regarding the completion of the inquiry by the FIA and the conduct of elections by the Nazir, shall be submitted to this Court within the stipulated timelines, after which the matter shall be listed for further orders. The FIA shall submit its compliance report through MIT-II.
14. Both the listed Petitions stand disposed of in the above terms. A copy of this order shall be placed in the connected Petition.

**JUDGE**

**JUDGE**