

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 379 of 2024
CP D 485 of 2024
CP D 486 of 2024
CP D 5723 of 2023
CP D 5724 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of CMA No.25062/2024.
2. For hearing of CMA No.1799/2024.
3. For hearing of main case.

19.03.2025

Mr. Raj Ali Wahid Kunwar, advocate for the petitioners in CPs D 379, 486, 485 of 2024.

Mr. Mohsin Kadir Shahwani, advocate for the petitioners in CPs D 5723 & 5724 of 2023.

Mr. Sandeep Malani, Assistant Advocate General Sindh.

These petitions pertain to the advertisement for auction of mining rights issued in June 2023. Mr. Raj Ali Wahid Kunwar, representing the petitioners in three of the petitions, states that the petitioner had offered the highest bid, however, the relevant award of the contract is still not materialized in their favour.

Learned AAG states that as recorded vide order of the Supreme Court dated 18.05.2023 in CP D 763-K of 2021 and connected matters all applications for grant of leases, licenses etc were to be processed under the new law, being the Sindh Mines and Minerals Governance Act, 2021 and the 2023 Rules. It is his contention that the advertisement has been issued wrongly/ erroneously under the 2002 rules, hence, could not be concluded. Learned AAG also states that these three petitioners had a remedy under the Rule 31(3) of the SPPRA Rules, however, the same has not been availed and the direct recourse to writ jurisdiction has been availed.

Two of the petitions are piloted by Mr. Mohsin Qadir Shahwani. It is his case that the petitioners were also entitled to an award pursuant to the auction and the same was denied. He states that these petitioners had in fact approached the grievance committee, as available at page 255 of court file. The petitioner approached the complaint redressal committee on 27.10.2023 and subsequent thereto, also filed an appeal under Rule 32 on 07.11.2023. He states that review committee has still not decided the appeal.

In response, learned AAG states that the government was in the process of re-auctioning, however, the same has been stayed in the petitions being represented by Mr. Mohsin Kadir Shahwani.

Learned counsel for the petitioners submit that it may be just and proper for the matter pending before the review committee to be decide vide speaking order, after providing an opportunity of hearing to the respective appellants and pending aforesaid no action be taken in respect of auction under consideration. Mr. Raj Ali Wahid states that the petitioners represented by him shall file representation before the SPPRA within seven days and seeks the same treatment as aforesaid.

Learned AAG articulates no cavil to the aforesaid and states that review / representation shall be determined in the manner sought expeditiously, preferably within 15 days and the respondent shall take further steps in pursuance of the relevant auction post issuance of the orders in terms aforesaid.

It is jointly stated that the petitions may be disposed of in the terms aforesaid. Order accordingly. Office is instructed to place copy hereof in each connected file.

Judge

Judge