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ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Suit No. 839/2012

Date	Order with signature of Judge
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AND connected Suits No.859, 864, 865, 866, 908, 909, 910, 911, 912, 915, 916, 924, 925, 882, 884, 890, 891, 897, 898, 900, 901, 902, 905, 926, 933, 938, 940, 941, 942, 945, 946, 947, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 967, 968, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 998, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1104, 1105, 1107, 1116, 1125, 1126, 1127, 1134, 1135, 1141, 1142, 948, 1013, 1064, 1149, 1152, 1154, 1156, 1163, 1145 and 1155 of 2012.

1. For hearing of CMA No.7112/2012 in Suit No.839/2012
2. For hearing of CMA No.7113/2012 in Suit No.839/2012
3. For hearing of CMA No.7227/2012 in Suit No.839/2012

06.09.2012.

M/s Muhammad Farogh Naseem, Khalid Javed Khan, Tasswur Ali Hashmi, Mustafa Lakhani, Soofia Saced, Raja Qasit Nawaz, Amel Khan Kansi who is also holding brief for Muhammad Azam Khan, Kashan Ahmed, Zeeshan Adhi, Muhamad Idrees Sukhera, Zulfiqar Noorani, Behzad Haider, Shuaun Nabi, Naveed Ahmed Khan, Obaidur Rehman, Qazi Anwar Kamal, Atif Hafeez, Advocates for the plaintiffs.

Mr. Asim Mansoor holding brief for Mr. Anwar Mansoor, Advocate for defendant No.1

Mr. Asim Iqbal, Advocate for defendants No. 2 and 3.

Ms. Shiraz Iqbal Chaudhry, Standing counsel.



The defendants No.1 to 3 have filed common counter affidavit to CMAs listed at Sr. No.1 and 2 in Suit No.839/2012 however, the counsel for the defendant No.1 requests for time to file separate counter affidavit with proper details, if any to CMA No.7113/2012 in Suit No.839/2012 and requests for time.

Most of the Advocates make a common complaint that despite clear interim orders passed by this Court, the defendant No.2 is charging levy on the enhanced rate and issuing bills on the previous rate of Cess. Mr. Asim Iqbal submits that the bills are being generated through computer programming, hence the rate of enhanced Cess was included in the bills, however, he submits that after passing the interim orders by this Court and receiving the notices and interim orders, they are not charging Cess on the revised amount but charging the Cess @ Rs.13/- per MMBTU strictly in accordance with the interim orders. This clear statement/undertaking is taken on record. Any breach thereof will expose the officials of defendants No.2 to the contempt of Court proceedings.


Office is also directed to supply the list of all cases relating to Gas Infrastructure Cess to Mr. Asim Iqbal and Mr. Asim Mansoor so that they may file counter affidavit and supply copy to learned counsel for the plaintiffs. Mr. Asim Iqbal and Mr. Asim Mansoor further submit that they have filed counter affidavit to the misc. applications in Suit

No.839/2012 and instead of filing counter affidavit separately in each and every case, they will file statement adopting the contents of the counter affidavit in other cases also which they have filed in Suit No.839/2012.

Other connected Suits No. 1102, 1108, 1109, 1110, 1111, 1118, 1133, 1164 and 1165 of 2012 are fixed for non prosecution as cost was not paid. In these matters, two days' time granted for payment of cost, thereafter the office will immediately issue notice to the defendants.

Further connected Suits No. NIL/2012 (Pakistan Oil Mills & others v. Federation of Pakistan and others), NIL/2012 (Pehlaj Rai and others v. Pakistan and others), NIL/2012 (Rehan Jawed & others v. Federation of Pakistan and others) and NIL/2012 (M/s Union Fabrics v. Federation of Pakistan) are fixed for orders on office objection regarding payment of Court fee. In these matters, the office objection is deferred till next date.

By consent, adjourned to 27.09.2012. Interim orders passed earlier to continue till next date. Office is directed to place photocopy of this order in each file separately.



JUDGE