

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

M.A No.56 of 2020

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Date: Order with signature(s) of the Judge(s)  
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1. For orders on CMA No.5268/2020.
2. For orders on office objection.
3. For orders on CMA No.5269/2020.
4. For hearing of Main Case.
5. For orders on CMA No.5270/2020.

**11.12.2020**

M/s. Abid S. Zuberi, Ayan Mustafa Memon & Habibullah Masood, Advocates for the Appellant.

M/s. Kashif Hanif and Faqir Liaquat, Advocates for PEMRA.  
(have waived notice and effected an appearance)

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Learned counsel for the appellant submits that a suspension order dated 04.12.2020 was issued to the appellant in terms of which certain fines imposed upon the petitioner were listed. It was PEMRA's stance that as the petitioner had not paid these fines, PEMRA was entitled to suspend the broadcast license of the petitioner. Indeed, through the impugned order, PEMRA has done that. Mr. Abid S. Zuberi, learned counsel for the appellant submits that all the fines that have been listed from serial No.1 to 7 of the impugned order have either been paid or the action taken by the PEMRA was struck down by competent Courts of law or interim orders are operating in favour of the appellant in all these cases. Mr. Abid S. Zuberi, advocate, further argues that as far as the fines listed at serial No.8 & 9 are concerned, the appellant is willing to deposit them with this Court subject to the final decision of this case.

A cursory perusal of the impugned order reflects that the learned counsel who had appeared on behalf of the appellant before the Authority may not have presented her case in a manner where the dispute could have been resolved. PEMRA appears to be upset by her conduct at the hearing and as noted in paragraph-5 of the impugned order that though the counsel had argued that fines etc had already been paid she was unable to provide any evidence regarding deposit of fines. Even though she was informed that if there is no evidence, proceedings of the show cause notice will be discharged; however, it appears that as this appeal has been filed, learned counsel did not comply with the directions of PEMRA.

In the interest of justice and as fundamental rights relating to business are concerned, both parties are given two (2) weeks' time, within which the appellant will provide to PEMRA all the evidence/documents which are in its possession which signify or show the payment of the fines, stay order, legal proceedings. PEMRA should look at the evidence in a neutral manner and without being prejudiced by the conduct of the counsel who appeared before it earlier. Simultaneously, the appellant is also directed that its representatives act in a professional manner and give the due respect to the Authority.

Let it to be relisted on **14.01.2021**, when PEMRA shall file its findings. Till that time, the impugned order will remain suspended.

  
JUDGE