ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.1903 of 2017

Nabeela Shaukat

Versus

Federation of Pakistan and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.04.2025	Syed Iqbal Hashmi, Advocate for the petitioner. Mr. Muhammad Saeed Raja, DAG. Hafiz Ejaz Mehboob, Special Prosecutor, NAB for respondent No.6.

Through the instant petition, the petitioner seeks direction to respondent No.1 to 5 for allotment of plot in Islamabad New City **("INC")** (a housing scheme floated under the supervision of respondent No.1).

2. Brief facts of the case are that respondent No.2 invited applications for allotments of the residential plots in INC. On 06.08.1996 twenty one years back the petitioner also applied for a plot measuring 500 sq. yds in INC being near to her home station Choa Saidan Shah Chakwal against a sum of Rs.132,000/- in the name of respondent No.2. On 28.07.1996 husband of the petitioner also paid an amount of Rs.132,000/- in the name of respondent No.2. Since the deposit of the money, the petitioner's husband wrote several letters to respondents No.2 to 5 but they are not fulfilling their responsibilities. Respondent No.6/NAB is dealing with

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the matter, which has not been decided as yet, whereas the National Accountability Ordinance, 1999 provides that the matter should be decided within 30 days, hence, this petition.

3. On 22.02.2018 respondents No.1 to 4 filed their parawise comments stating therein that the petitioner had booked a plot in INC, which was a joint venture of respondent No.2 and M/s MG Realtors (Pvt.) Ltd., and financial control of INC was with both the parties. All financial transactions relating to the joint venture were to be conducted through account of joint venture. Respondent No.1 had taken up the matter to the Economic Coordination Committee **("ECC")** of Cabinet in its meeting on 28.11.2005, which decided that the company and INC joint venture may be got declared defaulters and an official liquidator may be appointed by respondent No.6/NAB with powers to dispose of the properties/assets for utilizing the sales proceeds towards the payment to individual affectees and clearing liabilities. In pursuance of ECC decision, the Securities and Exchange Commission of Pakistan declared the company and INC joint venture as defaulters and filed winding up petition No.CO.48/2006 before the Lahore High Court, Lahore, wherein all the

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assets and liabilities of the joint venture were attached with Lahore High Court/Provisional Manager. The Provisional Manager published a notice in the newspaper on 25.11.2010 directing all the affectees, creditors, investors, stakeholders and contributors to submit their claims with him. The case proceedings are almost completed and decision is pending for announcement. The petitioner may be directed to approach the Provisional Manager appointed by the Court for submission of his claim.

4. On 08.06.2021, the applicants Ahmed Arsalan and Awais Touseef Rana, Advocates already acting as Provisional Managers were appointed as official liquidators by the Lahore High Court vide order dated 22.05.2018 in C.O No.48 of 2006, filed C.M No.2626/2021 to implead them as respondents in the instant petition, which is pending adjudication. Along with the C.M, they annexed copy of the said order. In the C.M, the applicants/official liquidators have submitted that they have to submit a comprehensive report for disposal of the assets of M/s MG Realtors and will invite the claims for the general public and other claimants before the Lahore High Court, Lahore.

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5. Under section 310 of Companies Act, 2017 previously section 316 of the Companies Ordinance, 1984, this Court cannot adjudicate this writ petition as the referred sections contemplate that when a winding up order has been made or a provisional manager has been appointed, no suit or other legal proceedings shall be proceeded with or commenced against the company. Section 310 of the Companies Act, 2017 is reproduced as under:-

> *"**310. Suits stayed on winding up order.**---(1) When a winding up order has been made or a provisional manager has been appointed, no suit or other legal proceedings shall be proceeded with or commenced against the company except by leave of the Court, and subject to such terms as the Court may impose.*
>
> *(2) The Court which is winding up the company shall, notwithstanding anything contained in any other law for the time being in force, have jurisdiction to entertain, or dispose of, any suit or proceeding by or against the company.*
>
> *(3) Any suit or proceeding by or against the company which is pending in any court other than that in which the winding up of the company is proceeding may, notwithstanding anything contained in any other law for the time being in force, be transferred to and disposed of by the Court."*

6. In view of the above, the instant writ petition is not maintainable, therefore, **dismissed.** However, the petitioner may approach the official liquidators appointed by the Lahore High Court, Lahore in C.O

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No.48/2006 for redressal of her grievance, if so, advised. All the pending C.Ms also stand **dispose of**.

(INAAM AMEEN MINHAS)
JUDGE

Announced in open Court on 25.04.2025

JUDGE

R.Anjam.

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