



Securities and Exchange Commission of Pakistan

BEFORE THE APPELLATE BENCH

In the matter of

M.A. No. 2(16)/Misc/ABR/25

IN

Appeal No. 53 of 2023

Miscellaneous Application of Pakistan Chipboard (Pvt.) Limited to be Impleaded as Necessary/Proper Party in Appeal No. 53 of 2023 titled Premier Insurance Limited Versus HOD, Adjudication Department-I, SECP.

Date of hearing:

February 4, 2025

Present:

For the Applicant:

Mr. Muhammad Junaid A. Chauhan, Advocate High Court

For the Appellant:

Mr. Jahanzeb Sukhera, Advocate

ORDER

1. This Order shall dispose of an application dated December 4, 2024 (the Application) filed by Pakistan Chipboard (Pvt.) Limited (the Applicant) whereby it has been requested to implead it as a necessary/proper party in Appeal No. 53 of 2023 titled *Premier Insurance Limited Versus HOD, Adjudication Department-I, SECP* (the Appeal).
2. In support of the Application, the Applicant stated that for the last nine years the Appellant and the Applicant have been engaged in multiple rounds of litigation at different quasi-judicial and judicial forums. The Applicant's representative argued that the valuable rights of the Applicant are involved in Appeal No. 53 of 2023 pending adjudication before the Appellate Bench (the Bench), therefore, in



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the interest of justice and equity, it is necessary to implead it as a respondent in the Appeal. The Applicant stated that it apprehends that in its absence from the proceedings the Appellant may distort the facts to obtain relief from the Bench. The Applicant's representative affirmed that if the Application is rejected even then it has full faith and confidence that the Bench will decide the Appeal as per the laws and facts of the case.

3. The Appellant's representative strongly objected to the maintainability of the Application and *locus standi* of the Applicant to file the Application. The Appellant's representative argued that the Application is not signed by the Applicant or its authorized representative, therefore, it is liable to be dismissed. The Applicant's representative also argued that fixation of the Appeal and the Application for same day is not permissible under the law and for all practical purposes, the Application should have been fixed and decided by the Bench prior to the Appeal.
4. The Bench has heard the arguments of the parties with their able assistance and perused the record. The Bench has asked the Applicant about its *locus standi* to file this Application and right to be impleaded as a necessary party in the Appeal. The Applicant's representative responded to the Bench's question and stated that it has the *locus standi* to file the Application because the matter in hand pertains to settlement of its claim against the Appellant and previously both parties were engaged in numerous rounds of litigation and matters against the Appellant were initiated at the Applicant's request.
5. The Bench has observed that the Appellant's representative's objection regarding fixation of the Application and Appeal on the same day is not sustainable because being an administrative quasi-judicial body, the procedural requirements under the Civil Procedure Code 1908 are not strictly applicable. The Bench believes that the requirements of natural justice are being followed by it as the Bench has not compelled the Appellant's representative to argue the Appeal and after the hearing of the parties' arguments on the Application, the hearing was concluded to the extent of the Application.
6. The Bench has noted that although previously both parties invoked the jurisdiction of different legal forums against each other, however, the case in hand is based on the enforcement action of the Securities and Exchange Commission of Pakistan and the Applicant never remained a party in such proceedings. The Bench considers that the Director/HOD, Adjudication-I is the sole necessary party



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whose presence is required for the efficient implementation of the order that the Bench will pass in the Appeal since he has already been named as the respondent in the Appeal. The Bench has further observed that the core argument of the Applicant in support of this Application is that he had filed the complaint against the Company. On the other hand, the Bench has observed that even during the show-cause proceedings against the Appellant (in the matter of order dated April 6, 2023), the Applicant never requested the Adjudication Department-I to implead it as a party. In view thereof, the Bench believes that the Applicant cannot claim any such right at the Appellate stage.

7. In the light of the above findings and observations, we hereby dismiss the Application without any order as to cost. The Appellate Bench Registry is directed to fix the hearing of Appeal No. 53 of 2023 in the first week of March 2025.

(Zeeshan Rehman Khattak)
Commissioner

(Akif Saeed)
Chairman/ Commissioner

Announced on:

03 MAR 2025