



**BEFORE**  
**RE-CONSTITUTED APPELLATE BENCH NO. I**

In the matter of

Appeal No. 64 of 2005

Mian Mohammad Ilyas Mehraj and 16 others ..... Appellants

Vs.

Commissioner (Securities Market Division) and 35 others ..... Respondents

Date of Hearing of Appeal

16 March 2006

**PRESENT:**

Mr. Zahir Shah, Advocate for the appellants

1. Mr. Arif Mian, Executive Director (SM) & Ms. Jahanara Sajjad, Joint Director (SM) for respondents 1 & 2
2. Mr. Mohammad Waseem FCA, for respondents No. 26 to 29
3. Iqbal Bawany, Advocate for respondents No. 5, 7, 21, 23 & 25
4. S.M Nasim for respondent No.33 & 34



**ORDER**

1. This appeal has been filed by Mian Mohammad Ilyas Mehraj and other members of the Mehraj family under section 33 of the Securities & Exchange Commission of Pakistan Act, 1997 against inter alia the Commissioner (Securities Market Division) and Joint Director (Securities Market Division).

2. Brief facts leading to this appeal are that Mian Mohammad Ilyas Mehraj had filed complaints dated 26-01-2005 and 18-02-2005 with the Commission seeking an inquiry under section 21 of the Listed Companies (Substantial Acquisition of Voting Shares and Takeovers) Ordinance, 2002 into acquisition of shares of Haseeb Waqas Sugar Mills Ltd by the respondents named in their appeal. According to the Appellants, no inquiry was held by the Commission and their complaints were rejected vide letter dated 24-11-2005 issued by an officer of the Securities Market Division who was not competent to decide the controversy. Consequently the Appellants filed the present appeal before the Appellate Bench. In addition, they also filed a constitutional petition No.19637 of 2005 before the Hon'ble Lahore High Court, Lahore wherein they prayed inter alia that their complaint may be decided by the competent authority after giving full opportunity of hearing.

3. On the date of hearing on 16-03-2006, we were informed by the Executive Director (Securities Market Division) that the petition filed by the Appellants before the Hon'ble High Court had been disposed off by the High Court with directions that the Appellants be heard by the competent officer of the Commission. He further stated that in line with the orders of the High Court, necessary action in this regard has already been initiated by the Department and a hearing has been fixed on 31-03-2006. As the Appellants have already been granted the relief prayed for in the present appeal, the



appeal may be disposed off by the Bench. The counsel appearing on behalf of the Appellants confirmed the above status, however, he sought an adjournment in the case. The representatives of other respondents did not object to the appeal being disposed off in the above manner, however they requested that they should also be given an opportunity to present their case before the officer appointed by the Securities Market Division to inquire into the matter.

4. In our view, as the Appellants have already been granted the relief by the Hon'ble High Court, there is nothing left in the appeal to be decided. Adjournment in the case would therefore not serve any purpose. The Securities Market Division is directed to dispose off the matter in accordance with the directions of the Hon'ble Lahore High Court after providing all relevant parties a proper opportunity of hearing. This appeal is disposed off accordingly.

**(SALMAN ALI SHAIKH)**  
**Commissioner**

**(RASHID I. MALIK)**  
**Commissioner**

Announced in Islamabad on 21 March 2006