



**SECURITIES & EXCHANGE COMMISSION OF PAKISTAN
NIC BUILDING BLUE AREA, ISLAMABAD**

Before the Commissioner (Securities Market Division)

In the matter of Show Cause Notice No.SMD/Co.57(1)/25/2003-S dated September 23, 2005 issued to Khawaja Tajammul Hussain under Section 18-A of the Securities and Exchange Ordinance, 1969 for submission of more than one application for subscription of shares of WorldCall Broadband Ltd. (“the Company” and/or “WCBL”) which were offered to the general public on January 07-08, 2004.

Date of hearing:

September 30, 2005

Present at hearing:

Representing the applicant:

i. Mr. Khawaja Tajammul Hussain

Assisting the Commissioner (SM):

i. Ms. Jahanara Sajjad Ahmad,

Joint Director, CI

ii. Mr. Muhammad Saeed Rana,

Junior Executive, CI

ORDER

1. The matter arises from the show cause notice No.SMD/Co.57(1)/25/2003-S dated September 23, 2005 issued by the Securities and Exchange Commission of Pakistan (the Commission) to (i) Mr. Khawaja Tajammul Hussain s/o Khawaja Muhammad Hussain, NIC No.502-57-298991, address: R-841, Sector-8, North Karachi (the applicant)
2. Facts of the case are that WorldCall Broadband Limited (the Company) vide letter dated February 24, 2004 furnished to the Commission a list of cases of all those applicants which

were detected by THK Associates (Pvt.) Limited (the balloters to the issue) as being filed in violation of Section 18A of the Securities and Exchange Ordinance, 1969, which stipulates that:

“(1) No person or any other person on his behalf shall make a fictitious application or submit more than one application for shares of companies offered to the public. (2) In case of contravention of the provisions of subsection (1), the application money shall be liable to confiscation.”.

3. It was observed that Mr. Khawaja Tajammul Hussain’s case was also detected as a multiple applicant case, as his name was also appearing in the aforementioned list of multiple applicants. Further, it was observed that one application bearing No. 03-110-98 was submitted through PICIC Commercial Bank Ltd., Main Branch, I.I Chundrigar Road, Karachi and the other application bearing No.04-1216-180 was submitted through Habib Bank Ltd, Corporate Center, FTC Branch, Karachi.
4. The Commission called for a written explanation of the applicant vide letter dated March 18, 2004 at the address mentioned in application No.03-110-98 i.e. R-481, Sector-8, North-Karachi. The applicant vide his letter dated March 29, 2004, replied that he had submitted only one application through Faysal Bank Ltd., I.I Chundrigar Road Branch, Karachi through pay order deposited through PICIC Commercial Bank Limited, Main Branch, I.I Chundrigar Road, Karachi and requested for refund of subscription money.
5. In order to ascertain the factual position, written explanation vide Commission’s letter dated June 03, 2004 was sought from the applicant for the justification of his plea that he has not submitted more than one application.
6. The Commission received a letter dated June 07, 2004 from the applicant wherein it has been stated that he has submitted only one application from Faysal Bank Limited, I.I Chundrigar Road, Karachi through pay order deposited through PICIC Commercial Bank Limited, Main Branch, I.I Chundrigar Road, Karachi and that he is maintaining an account No.2306-8 at Habib Bank Limited, Corporate Branch, FTC, Karachi but he has not submitted any application from the said account.

7. The applicant vide his letter dated June 21, 2004 stated that Mr. Haneef an employee of Habib Bank Limited, FTC Branch, Karachi had filed the second application under his name and signature through his account maintained at the said Bank branch by misusing a copy of his NIC. The applicant requested the Commission to take action against said Bank official.
8. The Commission then received a letter dated June 25, 2004 from the applicant wherein he requested the Commission/HBL to take a lenient view against Mr. Haneef on humanitarian grounds.
9. During the course of hearing, it was stated by the applicant that he has submitted only one application through Faysal Bank Limited, using his account maintained with PICIC Commercial Bank Limited. He said that Mr. Haneef an official of Habib Bank Limited, FTC Branch, Karachi had submitted the other application in his name without his knowledge and consent by misusing his bank account maintained at the said bank branch. He further stated that Mr. Haneef had requested him to withdraw any proceedings that have been initiated against him by Mr. Khawaja Tajammul Hussain. The applicant then presented his original NIC (both old & new) in support of his argument that he is the genuine applicant bearing application No. 03-110-98. He requested for refund of his subscription money.
10. I have considered the arguments presented before me by the applicant's. A perusal of the applications and correspondence exchanged in the matter reveals that these applications have been submitted by two different persons using the same NIC number and Father's Name but with different addresses & signatures. From the facts presented before me, it is evident that application No. 03-110-98 submitted by Mr. Khawaja Tajammul Hussain through Faysal Bank Ltd., I.I Chundrigar Road Karachi using his account No.78107-1515 maintained at PICIC Commercial Bank Limited, I.I Chundrigar Road, Karachi is genuine, hence WorldCall Broadband Limited may be advised to refund the subscription money against application No.03-110-98 submitted by Mr. Khawaja Tajammul Hussain through Faysal Bank Ltd., I.I Chundrigar Road, Karachi.
11. Since no one appeared before me in response to show cause notice No.SMD/Co.57(1)/25/2003-S dated September 23, 2005, claiming Application No. 04-1216-180 also filed in the name of Mr. Khawaja Tajammul Hussain , hence, the same is fictitious. Accordingly, the subscription money deposited against the said fictitious application be

confiscated under subsection (2) of Section 18-A of Securities and Exchange Ordinance, 1969. The Company is advised to deposit the subscription money confiscated against application No.04-1216-180 in the designated bank account maintained in the name of Securities and Exchange Commission of Pakistan with Habib Bank Limited within thirty days from the receipt of this Order and furnish receipted challans to the Commission.

12. Further, the State Bank of Pakistan (SBP) and Habib Bank Limited are requested to investigate the matter of Mr. Haneef who has been misused the account No.2306-8 maintained at Habib Bank Limited, FTC Branch, Karachi in the name of Mr. Khawaja Tajammul Hussain.

Shahid Ghaffar
Commissioner (Securities Market)

Announced:
October 05, 2005,
Islamabad.