



**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 Muhammad Irfan/Osama 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. Muhammad Irfan (Previous name Mr. Osama)

Assisting the Commissioner (SM):

- i. Ms. Jahanara Sajjad Ahmad,
- ii. Mr. Muhammad Saeed Rana,

Joint Director, CI

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. Muhammad Irfan s/o Muhammad Hanif, NIC No.42301-0855939-5, address: House NO.3, Naila Square, Feroze Shah Street, Gari Khata, North Karachi (the applicant) and (ii) Mr. Osama s/o Muhammad Hanif, NIC No.42301-0855939-5, address: House NO.3, Naila Square, Feroze Shah Street, Gari Khata, North Karachi.

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. Muhammad Irfan/Osma'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. 09-044-104 was submitted through National Bank of Pakistan, Kutchary Road Branch, Karachi and the other application bearing No.08-5-14 was submitted through Muslim Commercial Bank Ltd, Gari Khata Branch, Karachi.

The Commission called for a written explanation of the applicant vide letter dated March 18, 2004 at the address mentioned in application No.09-044-104 i.e. House No.3, Naila Square, Feroze Shah Street, Gari Khata, North Karachi. The applicant vide his letter dated April 18, 2004, replied that previously his name was Osama and now he has changed his name to Muhammad Irfan and that by mistake he has filed two applications using both his old and new NICs and requested for refund of his subscription money.

4. During the course of hearing, it was stated by the applicant that by mistake he has submitted two applications by using his old and new NICs and that he was unaware of the provisions of Section 18-A of the Securities and Exchange Ordinance, 1969. The applicant presented his original NIC in support of his arguments that he is Mr. Muhammad Irfan/Osama. He requested the Commission for refund of his subscription money against both the applications submitted by him.

5. 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 same person using the same NIC number and Father's Name but with different names, addresses & signatures. From the facts presented before me, it is evident that application No. 09-044-104 & 08-5-14 were submitted by Mr. Muhammad Irfan/Osma by mistake as he was unaware of the provisions of Section 18-A of the Securities and Exchange Ordinance, 1969, hence taking a lenient view WorldCall Broadband Limited may be advised to refund the subscription money against applications No. 09-044-104 & 08-5-14 submitted by Mr. Muhammad Irfan/Osma through National Bank of Pakistan, Kutchary Road Branch, Karachi and Muslim Commercial Bank Limited, Gari Khata Branch, Karachi respectively.

Shahid Ghaffar
Commissioner (Securities Market)

Announced:
October 06, 2005,
Islamabad.