



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

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**Before the Commissioner (Securities Market Division)**

**In the matter of Show Cause Notice No.SMD/Co.57(1)/19/2003-S dated September 23, 2005 issued to Muhammad Iqbal under Section 18-A of the Securities and Exchange Ordinance, 1969 for submission of more than one application for subscription of shares of Pakistan International Container Terminal Ltd. (“the Company” and/or “PICTL”) which were offered to the general public on August 28-29, 2003.**

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**Date of hearing:**

**September 30, 2005**

**Present at hearing:**

Representing the applicant:

- i. Mr. Muhammad Iqbal
- ii. Mr. Abdul Sattar (Father)

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)/19/2003-S dated September 23, 2005 issued by the Securities and Exchange Commission of Pakistan (the Commission) to (i) Mr. Muhammad Iqbal s/o Abdul Sattar, NIC No.508-86-082523, address: Flat No.31, Kulsoom Terrace, Kharadar, Moosa Street, Karachi (the applicant) and (ii) Mr. Muhammad Iqbal s/o Abdul Sattar NIC No.508-86-082523, address: Kamil Lohar Street, Karachi.
2. Facts of the case are that Pakistan International Container Terminal Limited vide letter dated September 18, 2003 furnished to the Commission a list of cases of all those applicants which

were detected by Uni Corporate and Financial Services (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 Iqbal’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. 05-59-22 was submitted through Muslim Commercial Bank Ltd., Eidgah Branch, Karachi and the other application bearing No.04-21-33 was submitted through Metropolitan Bank Ltd, North Napier Road Branch, Karachi.
4. The Commission called for a written explanation of the applicant vide letter dated January 12, 2004 at the address mentioned in application No.05-59-22 i.e. Flat No.31, Kulsoom Terrace, Kharadar, Moosa Street, Karachi. The applicant vide his letter dated February 27, 2004, replied that he had submitted only one application through Muslim Commercial Bank Ltd., Eidgah Branch, Karachi and requested that his subscription money should not be confiscated.
5. In order to ascertain the factual position, written explanation vide Commission’s letter dated May 20, 2004 was sought from the applicant bearing application No.04-21-33 at the address mentioned in the application at Kamil Lohar Street, Karachi, through his Banker to the issue, Metropolitan Bank Limited, North Napier Road Branch, Karachi. The applicant bearing application No.04-21-33 had replied vide letter dated April 24, 2004 that more than one application were submitted due to misunderstanding between him and his brother.
6. During the course of hearing, it was stated by the applicant that he has submitted only one application through Muslim Commercial Bank Limited, Eidgah Branch, Karachi. It was further stated by the applicant that other application was submitted by his cousin namely Mr. Farooq who had filed the same without his knowledge and consent. The applicant presented his original NIC (both old & new) in support of his argument that he is Mr. Muhammad Iqbal

and is the genuine applicant bearing application No. 05-59-22. Mr. Farooq also appeared before me and stated that he had used a copy of NIC of Mr. Muhammad Iqbal to submit application No.04-21-33. The applicant then requested the Commission to consider his case sympathetically and to refund the subscription money deposited with both the application forms.

7. I have considered the arguments presented before me by the applicant's. It is obvious 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. 05-59-22 submitted by Mr. Muhammad Iqbal through Muslim Commercial Bank Ltd., Eidgah Branch, Karachi is genuine, hence Pakistan International Container Terminal Limited may be advised to refund the subscription money against application No.05-59-22 submitted by Mr. Muhammad Iqbal through Muslim Commercial Bank Ltd., Eidgah Branch, Karachi.
8. Since in response to show cause notice No.SMD/Co.57(1)/19/2003-S dated September 23, 2005, Mr. Muhammad Farooq appeared before me claiming Application No. 04-21-33 also filed in the name of Mr. Muhammad Iqbal by misusing a copy of Mr. Muhammad Iqbal's NIC, 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.04-21-33 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.

**Shahid Ghaffar**  
**Commissioner (Securities Market)**

***Announced:***  
***October 06, 2005,***  
***Islamabad.***