

IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-6386 OF 2019

K-ELECTRIC-----PETITIONER

VERSUS

PROVINCE OF SINDH & OTHERS-----RESPONDENT

PROGRESS REPORT IN COMPLIANCE TO THE ORDER
DATED 25.06.2020.

It is stated that this Honorable Court had been pleased to pass an order dated 25.06.2020 in the Constitutional Petition No.D-6386 of 2019, which is reproduced as under:-

“Let in the first instance notice be issued to the Commissioner Karachi to file a progress report as to what work has taken place to date as the monsoon season is imminent. Such report may be filed through Senior office of the Department, who shall be present in Court on the next date alongwith details of the progress report. Let this matter come up on 08.07.2020”

In order to make compliance of the order, this office took serious efforts as per directions. Besides the Chief Minister Sindh as well as Chief Secretary Sindh had also issued directions regarding removal of cable wires hanging/installed in the city; causing public nuisance and giving a shabby look, denting the beauty of city and to save the human lives from any mishap/untoward incidents occurred due to the fallen of these wires/cables.

Furthermore, It is to submit that a meeting with all stakeholders was held on 11.10.2019 in the office of the Commissioner Karachi, Division, wherein it was clearly directed the concerned authorities/agencies to remove the wires by putting them underground and work of laying of underground wires should be started without further delay. In this regard, the **“No Objection Certificate”** had been issued in favour of (1) Mr.Khalid Arain, Chairman Cable Operators Association of Pakistan and (2) Mr.Abdul Rehman, Pakistan Telecommunication Access Providers Associations (PTATA) to undertake the work of hanging indiscriminate barbed wires to

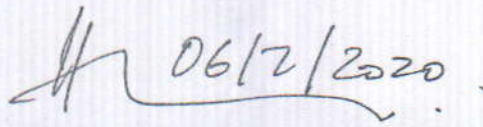


underground with a view to enhance the ambience of city outlook. One month timeline was given to both the Associations for Red Zone and three month for rest of Karachi to complete the task within stipulated time.

The cable operators were restrained from removing the cable networking lines by the Karachi Metropolitan Corporation and no progress could be made in the timeline given to them. Thus, the cable associations have avoided initiating the project of laying the cables underground in the city and the associations are afraid of investing huge amount on the project on the plea that the Karachi Metropolitan Corporation or the office of Mayor Karachi may confiscate to destroy the structures at any stage or phase of the project to carry out the work that may cause loss of billions of rupees to them.

The factual report in this regard had also been submitted before the Honorable Supreme Court of Pakistan at Karachi Registry under this office letter No.CK/HMS/Misc/2020-044 dated 22.01.2020. **The copy of report is attached as herewith.**

DATED:- 06.07.2020


**IFTIKHAR ALI SHALLWANI (PAS)
COMMISSIONER KARACHI DIVISION**



Tel:99204792

4th Club Road,
Opposite Karachi

Gymkhana, Karachi-75530.

No. CK/HMS/Misc/2020-044

OFFICE OF THE
COMMISSIONER KARACHI
DIVISION, KARACHI

Dated: 23rd - 01-2020.

To,

The Deputy Registrar,
Honourable Supreme Court of Pakistan,
Karachi Registry, M.R Kiyani Road, Karachi.

Sub: COMPLIANCE REPORT OF THE DIRECTIVES OF SUPREME COURT OF PAKISTAN WITH REGARD TO UNDERLYING THE INDISCRIMINATE HANGING CABLES ON POLES.

It is submitted that this office had issued No Objection Certificates vide No. CK/HMS/Misc/2019-686, dated 21-11-2019 (**annexure A**) in favour of Mr. Khalid Arain, Chairman Cable Operators Association of Pakistan and No. CK/HMS/Misc/2019-687, dated 22-11-2019 (**annexure B**) in favour of Mr. Abdul Rehman, Pakistan Telecommunication Access Providers Association (PTATA) to undertake the work of hanging indiscriminate barbed wires to underground with view to enhance the ambience of city outlook.

That both the Associations were given a month's timeline for Red Zone and three month timeline for rest of Karachi and the timeline started with the date of issuance of above mentioned NOCs to furnish their requisite work.

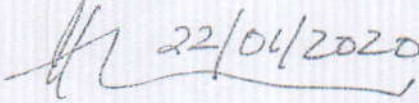
That It is indeed ironic that no work has been initiated by the cable operators who had undertaken the task despite timely issuance of NOC along with the strict conditions/instructions to complete the work/task, the associations were provided all facilitation and coordination by the Divisional Administration so as to make task of underlying cables underground without hampering or creating public nuisance and also avoiding burden on the public exchequer.

That the Karachi Metropolitan Corporation under the orders of the Mayor Karachi created unnecessary irritants, hindrances and threatened the cable operators not to start work as it will be confiscated by the KMC. The Cable Operators have been harassed by the KMC Staff which resulted one way or other against the task / project. Thus, the cable associations have avoided initiating the project of laying the cables underground in the city. The Associations, being private entities, are afraid of investing huge amount on the project on the plea that the Karachi Metropolitan Corporation or the office of Mayor Karachi may confiscate to destroy the structures, at any stage or phase of the project, to carry out the work that may cause loss of billions of rupees to them.

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That it transpires the Karachi Metropolitan Corporation or the office of Mayor Karachi is not willing to extend their support for the requisite task instead discouraging the associations/companies to undertake their work to its culmination.

The facts, along with supporting documents are submitted for perusal of the Honourable Supreme Court of Pakistan.

 22/04/2020

IFTIKHAR ALI SHALLWANI
PAS
COMMISSIONER KARACHI

Copy to:

1. The Metropolitan Commissioner, Karachi Metropolitan Corporation.
2. The Deputy Secretary (Staff) to the Chief Minister Sindh, Karachi.
3. The Deputy Secretary (Staff) to the Chief Secretary Sindh, Karachi.
4. The Deputy Commissioner, District South, East, West, Central, Malir & Korangi, Karachi.
5. The Municipal Commissioner, DMC District South, East, West, Central, Malir & Korangi, Karachi.
6. The P.S to Minister Local Government Sindh, Karachi.



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No. CK/HMS/Misc/2019- 686
OFFICE OF THE
COMMISSIONER KARACHI
DIVISION, KARACHI

Dated: 21 - 11 - 2019.

NO OBJECTION CERTIFICATE

In consideration of applications vide reference No. CAP/DCKHI/111019, dated 11-10-2019 moved by Mr. Khalid Arain, Chairman, Cable Operators Association of Pakistan, No Objection is hereby accorded in favour of the applicant for removing all hanging / suspended cables mayhem /wires from the city that "laying of underground cables in common corridor, Karachi Division involving digging of roads, streets, service lines & footpaths", on the following terms & conditions as laid down herein under:-

TERMS & CONDITIONS:

01. The subject project shall have a **timeline of one month for Red Zone whereas three months for rest of Karachi** and the timeline shall start from issuance of this NOC. And in case of failure to complete the project necessary action may be taken against him including of fine/penalty which will not be less than ten times of the cost of repair work of the project.
02. The applicant / permit holder will ensure that all damage / digging is duly filled / repaired to its original position as it was at the time of commencement of work.
03. The applicant / permit holder have to coordinate and get approval letters from the following agencies prior to initiating of subject work and must ensure that no SSGC gas pipelines, KW&SB water & sewerage lines, K-Electric & PTCL wires are damaged that are laying underground on the site.
04. In case of any damage to SSGC gas pipelines, KW&SB water & sewerage lines, K-Electric & PTCL wires responsibility shall resides with the applicant / permit holder.
05. The applicant / permit holder shall on daily basis have to submit progress report of the work to this office.
06. The applicant / permit holder have to undertake subject work in the night and finish the same early in the morning to avoid the public nuisance.
07. No obstruction and disturbance shall be caused to the public and traffic. The applicant / permit holder, therefore, have to share the proposed plan of work with the concerned Senior Superintendents of Police Traffic, so that necessary arrangements of diversion of traffic in the night may be done to avoid any possibility of incident.
08. The applicant / permit holder for security reasons must share the proposed plan of work and the contractor details under taking the same work to this office and concerned Senior Superintendents of Police for security reasons.
09. There shall not be any display or carrying of arms.
10. The applicant / permit holder is solely responsible in case of any mishap and violation of this NOC's terms and conditions. He shall face the legal consequences and imposition hefty fines, further, barding of applicant for future NOCs.

Continued on Page No. 02



Tel: 99204792

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No. CK/HMS/Misc/2019-686

OFFICE OF THE
COMMISSIONER KARACHI
DIVISION, KARACHI

Dated: 21 - 11 - 2019.

Page No. 02

11. That the applicant / permit holder shall abide by the orders of the concerned officers of Law enforcing agencies & other civic agencies.
12. This permission is liable to be cancelled at any time without assigning any reason and without prior notice.

(IFTIKHAR ALI SHALLWANI)
PAS
COMMISSIONER KARACHI

Copy forwarded to:-

1. The HQ Pakistan Rangers, Sindh, Karachi.
2. The Additional Inspector General of Police Karachi Range, Karachi.
3. The Deputy Inspector General of Police (Traffic), Karachi.
4. The Deputy Inspector General of Police, South, East & West Zone, Karachi.
5. The Metropolitan Commissioner, Karachi Metropolitan Corporation.
6. The Deputy Commissioner, District South, East, West, Central, Malir & Korangi, Karachi.
7. The Cantonment Executive Officer, Cantonment Board Clifton, Karachi, Faisal, Malir, Korangi Creek & Manora, Karachi.
8. The Municipal Commissioners, DMC South, East, West, Central, Malir & Korangi, Karachi.
9. The DS (Staff) to the Chief Secretary Sindh, Karachi.
10. The Administrator, DHA, Karachi.
11. PS to Minister Local Government Sindh, Karachi
12. PS to Home Secretary Sindh, Karachi.
13. Senior P.S to Commissioner Karachi.
14. Incharge R&I Branch of this office.
15. Mr. Khalid Arain, Chairman, Cable Operators Association of Pakistan.

(ALJAZ HUSSAIN RIND BALOCHI)
ASSISTANT COMMISSIONER (GENERAL)
for COMMISSIONER KARACHI DIVISION

2019/11/21



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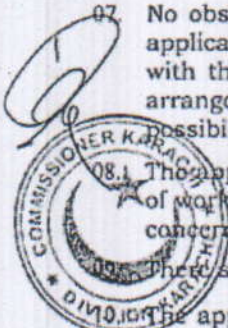
Dated: 22 - 11 - 2019.

NO OBJECTION CERTIFICATE

In consideration of application vide reference No. CAP/DCKHI/111019, dated 11-10-2019 moved by Mr. Abdul Rehman, Pakistan Telecommunication Access Providers Association (PTAPA), No Objection is hereby accorded in favour of the applicant for removing all hanging / suspended cables mesh/ wires from the city that "laying of underground cables in common corridor, Karachi Division involving digging of roads, streets, service lines & footpaths", on the following terms & conditions as laid down herein under:-

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No. CK/HMS/Misc/2019- 687
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DIVISION, KARACHI

Dated: 22 - 11-2019.

Page No. 02

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(IFTIKHAR ALI SHALLWANI)
PAS
COMMISSIONER KARACHI

Copy forwarded to:-

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2. The Additional Inspector General of Police Karachi Range, Karachi.
3. The Deputy Inspector General of Police (Traffic), Karachi.
4. The Deputy Inspector General of Police, South, East & West Zone, Karachi.
5. The Metropolitan Commissioner, Karachi Metropolitan Corporation.
6. The Deputy Commissioner, District South, East, West, Central, Malir & Korangi, Karachi.
7. The Cantonment Executive Officer, Cantonment Board Clifton, Karachi, Faisal, Malir, Korangi Creek & Manora, Karachi.
8. The Municipal Commissioners, DMC South, East, West, Central, Malir & Korangi, Karachi.
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13. Senior P.S to Commissioner Karachi.
14. Incharge R&I Branch of this office.
15. Mr. Abdul Rehman, Pakistan Telecommunication Access Providers Association (PTAPA).



(AIJAZ HUSSAIN RIED BALOCH)
ASSISTANT COMMISSIONER (GENERAL)
for COMMISSIONER KARACHI DIVISION

22/11/19