

**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE IJAZ UL AHSAN

**SUO MOTU CASE NO.26 OF 2007, HUMAN RIGHTS CASES NO.2698/2006, 133/2009, 778-P/2009, 13933/2009, 14072-P/2009, CIVIL MISC. APPLICATIONS NO.4662/2011, 302/2010, 4249/2018 AND CONSTITUTION PETITION NO.64 OF 2009**  
(Deadbeats got loans amounting to Rs.54 billions written off)

**In attendance:**

For the Petitioner:	Nemo (In Const.P.64/2009)
For Federation:	Mr. Khalid Jawed Khan, Attorney Gen Syed Nayyar Abbas Rizvi, Addl. AGP.
For NAB:	Mr. Nasir Mehmood Mughal, Deputy P.G.
For IDBL:	Mr. Zarghoon Shah, Chief Manager, IDBL.
For ZTBL, SME, Pak Libya Holding Co.:	Mr. Muhammad Rasheed Qamar, ASC Raja Abdul Ghafoor, AOR
For Saudi Pak, Industrial & Agricultural Investment Co.	M. Iftikhar Ahmed, Manager Law
For State Bank:	Raja Abdul Ghafoor, AOR. a/w Mr. Asad Ahmad Gani, Advocate on behalf of Dr. Pervez Hassan Sr. ASC. Syed Ansar Hussain, A.D. SBP Mr. Tanzil Malik, J.D. SBP Mr. Sanaullah Gondal, Dy. Legal Advisor, SBP
For NBP:	Kh. M. Farooq, Sr. ASC Mr. Riaz Hussain, Manager Legal
For HBL:	Mr. M. Arshad Tayebaly, ASC
For SME Bank:	Raja Abdul Ghafoor, AOR
For MCB:	Mr. Babar Habib, Law Officer
For official assignee:	Ch. M. Waseem (official assignee)
For FBR:	Mr. M. Habib Qureshi, ASC

On Court's notice:

Nemo  
(For Orient Rice Mills, Rizek Industries, Abbas Steel, Misto Industries, Petro Commodities, Abbas Engineering (CMA 5048-5053/18, CMAs-6458-6462/2018)

Mr. M. S. Khattak, AOR. For Ahmed Food Industries

Mr. Nadeem Ahmed Sheikh, ASC for Afghan Gheen industrieis, Hakim Textile Mills

Sardar Qasim Farooq Khan, ASC  
(For Sheikhoo & Aziz Spinning Mills Ltd)

Mr. Zafrullah Khan Cheema, ASC for SCHON Industries.

Mr. Farhat Nawaz Lodhi, ASC. For Pakistan National Textile Mills, Kurdistan Trading Co.

Agha Muhammad Ali, ASC. (CMA-6418/16)  
Mr. Nawaz Khan, CEO, Al-Abbas Fabrico.

Mr. Tariq Aziz, AOR. For Tutripax Foods Ltd. , Taha Spinning Mills, Alaji Ismail Mills. Ltd.

Syed Qalb-e-Hassan, ASC in CMA 5409/2018

Sardar M. Aslam, ASC for Langar Sulemani Food Ltd. (CMA-6471/18)

Mr. Fazal ur Rehman, in person for Latif Shakil Textile Mills

Mr. Umar Alvi, ASC for Prodenial Textile Mills Ltd, M/s Rubicon Industries. (CMA 5033-5034/18)

Sh. Muhammad Akram, ASC for Footcare Pvt. Ltd. And its directors. (CMA 5035-5039/18

Mr. Mehr Khan Malik, AOR for Irum Textile Mills

Mr. Shahid Ikram Siddiqi, ASC for Kashif Steel Mills  
Ch. Akhtar Ali, AOR. (CMA 5195/18)

Mr. Shehzad Ata Elahi, ASC  
Ch. Akhtar Ali, AOR  
(For Mubarik Textile Mills, Shafiq Textile Mills, Chaudhry Electrodes Ltd, Siraj Steel Ltd, Techno Agriculture Ltd, Al-Asif Sugar Mills, National Bulbs Pvt Ltd, Icepack Ltd)

Syed Moazzam Ali Shah, ASC  
(For Choti Textile Mills Ltd)

(CMA 5040/18)

Malik Muhammad Ahmad Qayyum, ASC  
(CMA-642 of 5044 of 2018)

Mr. Abbas Mirza, ASC  
**(For Chohan Vegetable Mills/CMA 6394/2018)**

Mr. Fauzi Zafar, ASC (CMA 5362/18 & CMA-6474/16)  
**(For Farooq Habib Textile Mills Ltd)**

Mr. M. Munir Sadiq, ASC  
Mian Javed Iqbal Arain, ASC  
(C.M.As.5321 & 6529/2018)

Mr. Ahmed Qayyum, ASC for Ibex Textile

Mr. Shah Khawar, ASC for Sooraj Mukh Co.  
Mr. Mehmood A. Sheikh, AOR

Mr. Ayaz Aslam Ch. For Salar Textile Mills ad  
Munarak Knitwear Ltd.

Mr. Rashideen Nawaz Qasuri, ASC (for Bank  
of Punjab)

Mr. Rab Nawaz Khichhi, Trantice Ltd.

Mr. Khurram Raza, ASC. For SS Oil Mills Ltd.

Mr. Asif Hafeez, ASC (CMA-5556,5557/18)  
for Ayaz Textile Mills (HBL), Dascon Pvt. Ltd.  
(HBL), Pak Pattan Dairies Ltd. (ZTBL), Punjab  
Propylene Industries Ltd. Services Fabrics &  
Monno Dairies.

Mr. Azid Nafees, ASC. For Sinsas Pvt. Ltd.,  
Azeem Foods Industries, Electronic  
Information & Energy System (CMA 5396/18)

Mr. Jahangir Jadoon, ASC for Kashmir Poultry  
Mills.

Mr. Haq Nawaz Chatha, ASC for Compact  
Particle Board Ltd., Expo International Pvt.  
Ltd. And Continental Rice Mills Ltd.  
(CMA-6406 and 6408 of 2018)

Syed Mudassar Ameer ASC for mala Ghee Pvt.  
Ltd.(CMA-6456 of 2018)

Mr. Zulfiqar Chohan, Director Chohan Ghee  
Mills Ltd

Mr. Hasan Akbar, ASC. For Taha Spinning  
Mills Ltd. & Haji M. Ismail Mills

Syed Raza Ali Bukhari son of Syed Iftikhar Ali Bukhari for Mubarik Dairies.

Mr. Mudasir Khalid Abbasi, ASC for Pak Green Fertilizers Co & Multan Edible Oil Ltd.

Mr. Wajid Jawad, Associated Industries Ltd. (CMA 5406/2018)

Nemo. For Lion Steel Industries Pvt. Ltd.

Mr. Shabbir Hussain Dir. Batala Ghee Mills

Mr. Saalim Saleem Khan, ASC for Nutri Pak Food Industries (CMAs-6457, 6458, 6459) & Ahmed Food Industries (CMA 5047/2018)

Nemo for Kotri Textile Mills Ltd.

Syed Rifaqat Hussain Shah, AOR for Mian Muhammad Sugar Mills, Oberio Textile Mills Ltd.

Mr. Tariq Aziz, AOR on behalf of  
Mr. Abid S. Zuberi, ASC (CMAs 5403 & 6414 of 2018)  
Mr. Tariq Aziz, AOR for Kiran Sugar Mills Ltd, Pak Land Cement, Saudi Cement, Sarbaz Traders, Kiran Enterprises Ltd. Dewan Cement

Mr. Zahid Minhas, ASC for Hays Sons

Raja Muhammad Shafqat Abbasi, ASC for Mehr Dastagir Spinning Mills, Dastagir Leather & Foot wear industries Ltd (CMA 5394-5395/18)

Mr. Saleem Malik, Director Kakashian Oil & Kakashian Feed Mills Ltd.

Malik Qamar Afzal, ASC for Spectrum Pvt Ltd Chemicals (CMA 5411/18)

Mr. Khalid Mehmood Khan, ASC for Frontier Dextroz Ltd (CMA 5408/18 & CMA-6338/18)

Mr. Arif Khan, ASC in CMA 5005, 5207, 5208, 3210/2018

Mian Javed Iqbal Arain, ASC for Ali Knitwear (CMA-6529 of 2018)

Mr. Hasan Nawaz Makhdoom, ASC for Taimoor Spinning Mills (CMA 5558/2018)

(CMA-6416 of 2018)

Mr. Hafeez ur Rehman, ASC for Ravi Dairy Products Ltd

Mr. Tariq Aziz, AOR for AM Pak Dairies Pvt Ltd

Raja Inaam Minhas, ASC (CMA 5168, 5172/2018)

Mr. Tariq Aziz, AOR for Aslam ginning & Press Factory Pvt Ltd

Mian Abdul Rauf, ASC (CMA 6358/2018)  
Ch. Muhammad Akram Nat, in person for Rani Agro Dairy Products Ltd.

Mr. Haider Waheed, ASC (Shan Foods CMA 5361/18)

Mr. Umar Aslam, ASC (CMA 5404-5405/18 & CMA-6271 of 2018)

Mr. Ahmed Qayyum, ASC (CMA-5044/18 & CMA-6420 of 2018)

Mr. Arif Khan, ASC (CMAs.5005, 5207 to 5210 and 5190 of 2018 & 6409, 6410, 6412, 6413 & 6388/2018)

Syed Hamid Ali Shah, ASC  
For Mehr Din Pak Industries & Patyala Ghee Mills  
(CMA 5164/2018)

Mr. Arshad Nazir Mirza, ASC  
(CMA 6404/2018)

Mr. Aamir Gauri, President/Editor The News Islamabad  
Mr. Sohail Khan, reports  
(On Notice)

Mr. Shahzada Mazhar, ASC Harrapa Textile Mills (CMA 6472/2018)

Syed Razaqat Hussain Shah, AOR  
(CMA-6646 of 2018)

Mr. Arshad Nazir Mirza, ASC  
(CMA-6404/18)

Mr. Khaleeq Ahmed, ASC  
(CMAs-6402, 6403 of 2018)

Mr. Salman Akram Raja, ASC

(CMA-302 of 2018)

Mr. M. Safdar, ASC  
(CMA-6530 and 6532 of 2018)

Date of hearing: 2.8.2018

**ORDER**

The representatives of the banks, who were required to appear, are present. They state that the amounts contained in the report of the Commission are correct and they endorse the same. However, in order to find out how many out of the 222 cases of persons/organizations/companies which were recommended by the Commission to be fit for further investigation, are interested in exercising option No.1 mentioned in our previous order(s), a meeting was convened under our orders. We have been informed that at present, only 26 out of the 222 borrowers are interested in exercising option No.1 (*a list whereof has been placed on the record as mark 'A'*). We have however been apprised that some other borrowers may also be interested in availing the first option. Therefore, some more time may be granted to enable them to decide whether or not they wish to exercise option No.1. Accordingly, we grant one final opportunity to all those who wish to exercise option No.1 to apprise this Court of their final decision within 10 days' from today.

2. It may be clarified that on the next date of hearing, we will consider the possibility of modifying the other two options to the extent that the outstanding amounts, as determined by the Commission, along with markup thereon, may be treated as decrees passed by Courts of competent jurisdiction. The amounts found payable by the Commission considering that the same were unlawfully got written off may be recovered from the borrowers as arrears of land revenue from the

entities, the original borrowers and the guarantors. Such decree shall also be enforceable against mortgaged properties.

3. The borrowers who intend to make deposits pursuant to option No.1 must do so through pay orders/cheques to be deposited with the Registrar of this Court. He shall open a separate account for the said purpose and deposit the amount(s) therein. This order shall be publicized via press release in the print and electronic media.

To come up on **16.8.2018**.

CHIEF JUSTICE

JUDGE

Islamabad, the  
2<sup>nd</sup> of August, 2018  
Waqas Naseer/\*

JUDGE