

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J

MR. JUSTICE JAWWAD S. KHAWAJA

MR. JUSTICE SH. AZMAT SAEED

Constitution Petition No.35 of 2013

(Multi Billion Scam in the EOBI)

Applicant:	Mr. Zulfiqar Khalid Maluka, ASC (in CMA-4855/13)
	Mian Abdul Rauf, ASC (in CMA-4319/13)
	Dr. Shafique ur Rehman, in person. (in CMA-4891/13)
	Syed Mehmood Akhtar Naqvi, in person (in CMA-4870/13)
<u>On Court Notice:</u>	Mr. Sajid Ilyas Bhatti, DAG
For M/o OP & HRD:	Mr. Munir Qureshi, Secretary
For EOBI:	Mr. M. Bilal, Sr. ASC Mr. Babar Bilal, ASC Syed Safdar Hussain, AOR Mr. Ayub Sheikh, Chairman Mr. Javed Iqbal, DG (HR & GAD) Mr. Parvez Ahmed, Director General (Audit) Mr. Asif Azad, Director (Investment) Mr. Abdul Latif, Director (Law) Mr. Ahad Ahmed, AD (Law)
For FIA:	Mr. Muhammad Azam Khan, Addl. D.G. Mr. Qudrat Ullah Khan, Director, Punjab
For DHA, Ibd/Rwp:	Mr. Irfan Qadir, ASC with Mr. Mehr Khan Malik, AOR
For Pak-Arab Housing Scheme & M/s Vital Enterprizes Pvt. Ltd:	Ch. Akhtar Ali, AOR
For Vision Developer Pvt. Ltd.	Mr. Salman Akram Raja, ASC
For Eden Housing Scheme:	Mr. Tariq Mehmood, Sr. ASC

For CDA: Ms. Misbah Gulnar Sharif, ASC
Raja Abdul Ghafoor, AOR

Date of hearing 26.7.2013

ORDER

In response to CMA No.4855/13 Ms. Misbah Gulnar Sharif, learned counsel for CDA requested for time to file reply after ascertaining correct position from the record of CDA.

2. Mr. Irfan Qadir, learned ASC appeared on behalf of DHAs Islamabad/ Rawalpindi and stated that he has prepared the reply which he intends to file during course of the day. He further stated that he is to raise some preliminary objections with the request that the order of freezing the accounts may be withdrawn.

3. Mr. Muhammad Azam Khan, Addl. Director General (Law), FIA submitted a CMA No.4892/13 stating therein the progress made by FIA towards inquiries in the matters where FIRs have been registered. Relevant portion of the CMA have been read out by him in the Court. He stated that in respect of enquiry No.25/13 about purchase of plots Nos.4 and 8 in Muslim Cooperative Housing Society, Military Road, Sukkur, owners has made an offer to return the amounts.

4. Mr. Tariq Mehmood, learned Sr. ASC stated that M/s Eden Housing Scheme had furnished a post-dated cheque in the sum of Rs.22.295 billion on the last date of hearing which has been returned. It has been informed to him that the case of Eden Housing Scheme was treated differently in view of the statement made in the Court giving impression that if the amount received from EOBI is being deposited but by handing over a post dated cheque it has failed to prove its commitment. Learned counsel contended that the Eden Housing

Scheme is distinguishable from the other cases, as its deal with EOBI is based on registered sale deeds.

5. Mr. Munir Qureshi, Secretary, M/o OP HRD stated that he has taken up the matter for reconstitution of the Board of Trustees and on completion of procedural formalities new Board shall start its functioning accordingly.

6. Let learned counsel for CDA and DHAs shall file their respective replies. Additional Director General (Law) FIA shall supply reports to all the learned counsel appearing for the parties as well as to the learned Attorney General so they may all go through the same to prepare their case.

7. This Court vide order dated 19.07.2013 has directed with regard to accounts of DHA Islamabad Rawalpindi as under: -

"2. Therefore, under the circumstances, we direct that all the amounts lying in the accounts of DHA Islamabad Rawalpindi respectively shall stand frozen henceforth till the amount of Rs. 22.295 is deposited with the Registrar...".

8. As the Eden Housing Scheme has not honoured its commitment with regard to payment of amounts, therefore, in similar manner order dated 19.7.2013 shall be applicable on it and on the case of Enquiry No.25/13 about purchase of plot Nos.4 and 8, Muslim Cooperative Housing Society, Military Road, Sukkur to the extent of freezing their accounts as it has been ordered against DHAs and others.

9. It has been mentioned in the report that FIA is undertaking an exercise of getting evaluated the property which was purchased from DHA Islamabad/Rawalpindi. In same sequel it is directed that let the

FIA ascertain the value of the property purchased by EOBI in all the cases at the time when parties entered into transaction and prevailing rates, through a qualified and independent property evaluator.

10. Mian Abdul Rauf, learned ASC appeared in (CMA-4319/13) seeking extension of certain facilities to the accused involved in case. He has been asked to approach the Court at Karachi seized of the matter. If the applicant makes such request in the said Court, the same shall be considered accordingly.

11. To be re-listed for hearing on 31st July, 2013 at Sr. No.1.

Chief Justice

Judge

Judge

Islamabad, the
26th July, 2013.
M. Azhar Malik *