

Form No: HCJD/C-121.

JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

FAO. No. 66 of 2019

China Mobile Pakistan Limited (CMPAK)

Vs

Pakistan Telecommunication Authority

APPELLANT BY: M/s Taimoor Aslam Khan and Raja
Nowsherwan Akhtar, Advocate.

RESPONDENT BY: Barrister Munawar Iqbal Duggal,
Advocate
Mr. M Khurram Siddiqi, Director (Law),
PTA.
Mr M Naeem Ashraf, Consultant (Law),
PTA.
Mr. Nauman Khalid, Director, PTA.

DATE OF HEARING: **18-04-2019.**

ATHAR MINALLAH, CJ.- This appeal has been preferred by a China Mobile Pakistan Limited (hereinafter referred to as the "**appellant Company**") assailing order, dated 09.04.2019, passed by Pakistan Telecommunication Authority (hereinafter referred to as the "**Authority**").

2. The admitted facts are that the appellant Company has been granted license by the Authority under the Pakistan Telecommunication (Re-Organization) Act, 1996 (hereinafter referred to as the "**Act of 1996**"). The Federal Government in its meeting held on 27.12.2018 had decided to extend the

time line for registration of devices under Device Identification Registration Blocking System (hereinafter referred to as the "**System**"). The said decision was communicated to the appellant Company vide letter, dated 04.01.2019. The Authority, pursuant to consultation with all the relevant stakeholders including the appellant Company, had issued "Standard Operating Procedure and Mobile Device Identification Registration and Blocking Regulations, 2017". In accordance with clause 6.10.1 of the license the appellant Company has to fulfill certain obligations. The latter had earlier invoked the jurisdiction of this Court and the petition was disposed of vide order, dated 03.04.2019. The appellant Company being a service provider was affected by the decision of the Federal Government as well as the Authority regarding use of unregistered mobile devices.

3. The learned counsel for the appellant Company despite his able assistance, was not able, to persuade this Court that the policy of the Federal Government and pursuant thereto actions of the Authority are discriminatory nor that it violates the fundamental rights guaranteed under the Constitution. It is noted that matters relating to a policy are not justiciable unless it can be demonstratively shown to be in violation of the fundamental rights guaranteed under the Constitution. This Court is satisfied that no case is made out for interference with the policy to discourage use of unregistered mobile devices nor the actions taken by the Authority suffer from any legal infirmity.

4. For what has been discussed above, this appeal has been found to be without merit and, therefore, accordingly dismissed.

CHIEF JUSTICE

Asif Mughal.

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