



DECISION

Complaint No. : POS/8107/2022/KM/KW

Name and address of the complainant : Mr. Abid Ali & others
C/2-A, S.I.T.E, Karachi.

Name of the Agency Complained against : Sindh Industrial Trading Estate (SITE)

Name & Designation of Investigating Officer : Mr. Aftab Ahmad Khatri,
Director, Regional Office, Keamari (west).

Vetted by : Mr. Rafiuzzaman Siddiqui,
Advisor-B

Subject : COMPLAINT AGAINST SINDH INDUSTRIAL TRADING ESTATE (SITE) ALLEGING THEIR FAILURE TO CHANGE THE NAME OF M/S CHURIGAR PLASTIC INDUSTRIES WHICH WAS LOCATED AT PLOT NO. 2/A, SITE, KARACHI.

COMPLAINT

Mr. Abid Ali and others have filed a complaint against Sindh Industrial Trading Estate (SITE) Ltd, stating that they have been requesting SITE to change the name and Constitution/Act of their defunct Factory, Churigar Plastic Industries Ltd., located at Plot No. C/2 A, SITE, Karachi, due to the deaths of their fathers, Syed Abdul Sattar & Syed Abdul Gaffar, who were directors of the company. The SITE has asked them to provide a dissolution certificate for the company from 1976-1977. To fulfil the requirement, they approached the SECP, Government of Pakistan via email, and received confirmation that no record of the company was available with them. The complainants, submitted a copy of this email to SITE Ltd but they did not accede to their request to change the name of their factory or amend the constitution. Aggrieved by this, they requested intervention from the office of the Ombudsman Sindh.

PROCEEDINGS

2. The complaint was admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) after submission of mandatory Affidavit on Form 'A' and other relevant documents.
3. The matter was taken up with the Managing Director of SITE Ltd vide letter dated January 13, 2023, followed by a reminder dated February 2, 2023. In response, SITE Ltd, submitted a report dated March 8, 2023, stating that the complainants have not provided necessary documents, specifically the dissolution certificate issued by the Securities and Exchange Commission of Pakistan (SECP), the report also indicated that the company's name was not available in SECP's records at the Company Registration Office in Karachi, and advised the complainants to furnish the required documents.
4. To resolve the matter, several hearings were held with Securities and Exchange Commission of Pakistan (SECP). In response, the SECP submitted a report dated October 19, 2023, stating that after thorough checking of the record it came to light that the company was registered under the same name of "M/S. Churigar Plastic Industries Ltd" at the Company Registration Office (CRO) in Karachi.

5. Finally, a comprehensive report dated March 13, 2024, was received from SITE Ltd. The report states that, according to the original file (Constitution), Plot No. C/2-A, measuring one (1.00) acre, is located in the SITE Area. The change in name and constitution of the dissolved M/S. Churigar Plastic Industries Ltd can only be considered after submission of the dissolution certificate from the Registrar of Joint Stock Companies or upon transfer of the shares of the company in their favor. Subsequently, they may approach the court for dissolution of the company.

6. SITE Ltd has also obtained legal opinion from their counsel regarding the matter. According to which complainants are required to submit original redemption deed of plot mortgaged with M/s. Pakistan Industrial Credit & Investment Corporation.

7. The report from the agency was forwarded to the complainants with the advice to approach the competent forum to obtain a proper order for the dissolution of the limited company, including the clearance of the mortgaged property. In response, the complainants informed us that the PICIC loan has already been paid and submitted a bank certificate dated January 11, 1968. The complainants also provided a copy of the Gazette of Pakistan dated May 13, 1977, regarding the dissolution of M/s. Churigar Plastic Industries under Section 247(3), dated April 25, 1977, by the Registrar of Joint Stock Companies.

FINDINGS

8. Perusal of the record reveals that complainants have approached SITE Ltd and SECP with incomplete record and after exchange of voluminous correspondence, the Securities and Exchange Commission of Pakistan (SECP) informed in its report dated October 19, 2023, that the complainants' company was registered under the name of "M/S. Churigar Plastic Industries Ltd" at the Company Registration Office (CRO) in Karachi and it can be dissolved after following the required codal formalities.

9. After intervention from the Office of the Ombudsman Sindh, SITE considered the complainant's request and resolved their issue, which was confirmed by the complainants on October 3, 2024. The complainants expressed their gratitude to Ombudsman Office and also appreciated the efforts taken by the Ombudsman's Office for redressal of their grievance.

DECISION

10. In view of the above, the complaint has been redressed and consigned to record.

Given under my hand and seal of office.



SD/-
(MUHAMMAD SOHAIL RAJPUT)

Sitara-e-Imtiaz : PAS

Ombudsman, Sindh

Karachi, dated; 18 November, 2024