

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE UMAR ATA BANDIAL, CJ

MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

**C.P.95/2023, C.P.112/2023, C.P.113/2023 AND C.P.204/2023**

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| 1. C.P.95/2023  | Muhammad Shaharyar Khan Mahar v. Election Commission of Pakistan through its Secretary, Islamabad  |
| 2. C.P.112/2023 | Muhammad Ibrahim Jatoi v. Election Commission of Pakistan ECP, Islamabad and others                |
| 3. C.P.113/2023 | Muhammad Ibrahim Jatoi v. Election Commission of Pakistan ECP, Islamabad and others                |
| 4. C.P.204/2023 | Imtiaz Ahmed Sheikh and others v. Election Commission of Pakistan through its Secretary, Islamabad |

For the Petitioner(s) : Mr. Hussain Ali Almani, ASC video link from Karachi  
Mr. Salahuddin Ahmed, ASC video link from Karachi  
Mr. Zulfikar Khalid Maluka, ASC

ECP : Mr. Muhammad Arshad, DG ECP  
Mr. Falak Sher, Consultant

Date of Hearing : 15.08.2023

**ORDER**

The ECP has defended its impugned action on the basis of Rule 10(4) of the Election Rules, 2017 ("**Rules**"). By that provision, the limits of a *Tapedar* Circle should not be breached in the delimitation process. In the present case, the contention of the petitioner is that the delimitation in 2018 election without violating *Tapedar* Circle was closer to the limits now being demanded by the petitioner. In the present case, the plea being taken by the petitioners is that the difference in the number of voters in each of the three Provincial Constituencies in District *Shikarpur* is more

pronounced and exceeds the variation limits set by Section 20(3) of the Elections Act, 2017 ("**Act**"). On a challenge made by the petitioners on the above grounds, the ECP passed an order under Section 22(1) of the Act holding that the information furnished by the petitioner was time barred. Whereas there is no limitation prescribed for bringing information to the notice of the ECP under the said provision. Therefore, the ground taken in the order is invalid.

2. Be that as it may, the ECP is given an opportunity to consider whether it would be willing to answer the petitioner's objection through a fresh order or would like to contest the matter before us.

3. Re-fix soon after the vacations.

**Sd/-  
Chief Justice**

**Sd/-  
Judge**

Islamabad  
15.08.2023  
*Rashid/\**  
Not approved for reporting