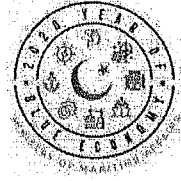


PORT QASIM AUTHORITY
(Cargo Operations Department)



Gateway to National Prosperity

No. PQA/Dir (C.Ops)//140/2018/2019/2020

Dated: 25th February, 2022

The Terminal Managers

1. M/s Mapak Qasim Bulklers (Pvt) Ltd. (MQB)
2. M/s Bulk Oil Terminals (PVT) Ltd. (BOT)
3. M/s Pakistan House Limited (PHI)
4. M/s Terminal One Limited (TOL)
5. M/s Gul Trading Limited.
6. M/s Muhammad Hussain.
7. M/s Feroz Sons Tank Ltd.
8. M/s Hamza Tank Terminal.
9. M/s Mujahid Oil Terminal (MOT).
10. M/s Ibrahim Fiber Limited.
11. M/s Mapak Edible Oil (Pvt) Ltd.
12. M/s IFFCO Pakistan (Pvt) Ltd.
13. M/s FFBL Tank Farm Area Port Qasim.
14. M/s Engro Vopak Terminal Limited.
15. M/s Fahad Hammad Oil & Ghee Industries.
16. M/s M. M. Oil Mills.
17. M/s Khudija Oil Mills.
18. M/s Dalda Oil Mills.
19. M/s Rupali Fiber.
20. M/s Fauji Akbar Portia. (FAP)
- ✓ 21. M/s Pakistan International Bulk Terminal. (PIBT)
22. M/s Dp World. (QICT)

SUBJECT: NATIONAL HIGHWAY AUTHORITY SAFETY ORDINANCE 2000

It is stated that as per the dictates of captioned document transporters / bonded carriers / cargo carriers trucks / heavy vehicles are not allowed to carry excess load from terminals / warehouses / cargo areas.

In the light of C.P. No. D-0577 of 2021 in the High Court of Sindh, all terminal operators are once again advised to ensure strict implementation of National Highway Authority safety ordinance 2000 for loading vehicles and they should be restricted to prescribed axle load, please.


(Syed Aijaz Ali Rizvi)
Secretary

C.c to:
DG (Ops)

2

COURT CASE

PORT QASIM AUTHORITY
(LEGAL DEPARTMENT)

No. PQA/LEG/C/809/
Dated: 23 Feb, 2022


981

Subject: C. P. NO. D – 5177 OF 2021 – SYED IMDAD HUSSAIN SHAH NAQVI – v/s
FEDERATION OF PAKISTAN & OTHERS IN THE HIGH COURT OF
SINDH, KARACHI
(regarding excessive loading in Truck / Heavy Vehicle)

Enclosed please find copy of High Court of Sindh, Karachi's Order dated 14.02.2022 on the above subject t. The relevant context of the Order is as follows :-

Paragraph No. 4 of the said comments reflects that the load limits under the Sixth Schedule of the National Highway Sindh Ordinance, 2000 have been fixed at various points of the National Highway and various mobile weigh stations have been established which are operational and discharging their duties in accordance with the Ordinance, 2000. In the wake of above referred judgment of the Islamabad High Court, the instant petition stands disposed of.

2. this is for information and record.



(Nouman Bashir Khan)
Director (Legal)

Encls: As above

Director (Cargo Ops)


Copy for info to:

DG (Ops)

 23/2/2022

discussed with DG (Ops)
m 2/5/2022

Manager Cargo Ops II

 2/5/22

DIRECTOR (CARGO OPS)
DIARY NO. 857
INWARD NO. 23/2/22
OUTWARD NO. 23/2/22
PORT QASIM AUTHORITY

C/809

3

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D-5177

of 2021

24.8.2021

Syed Imdad Hussain Shah Naqvi
Running business in the name and style
of M/s United Transport Network
Having his office at
C-2, Sanam Arcade,
21st Street, Phase I,
Defence Housing Authority,
Karachi.

[Signature]
Additional Registrar

Petitioner

Versus

1. Federation of Pakistan
through Ministry of Communications
Government of Pakistan
Islamabad Capital Territory.
2. Ministry of Maritime Affairs
through its Director General
2nd Floor, KPT Head Office,
Karachi.
3. National Highways Authority (NHA)
through its Chairman
having office at 27, Mauve Area,
G-9/1, Islamabad.
4. National Highways Authority (NHA)
Regional Office, NHA Building,
Adj. Drigh Road Railway Station,
Main Shahra-e-Faisal,
Shah Faisal Colony, Karachi.
5. National Transport
Research Centre (NTRC)
through its Secretary
having its office at
Street 5, Sector H-8/2, Islamabad.
6. National Highway and
Motorway police through
DIG South Zone, NH&MP
M9 Motorway roundabout, opposite
Al-Habib Restaurant, Karachi.



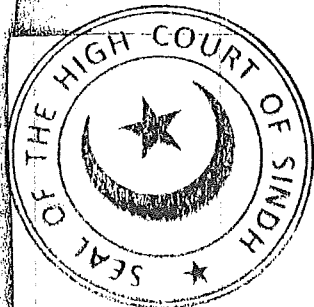
7. Karachi Port Trust
through its Chairman
KPT Head Office Building
2nd floor, Eduljee Dinshaw Road,
Karachi.

8. Port Qasim Authority
through its Chairman
having office at
Bin Qasim Town,
Karachi

9. Frontier Works Organization
through its Chief Executive
Headquarter 494 Engineer Group
Near PNS Shifa Hospital
Karachi.

..... Respondents

CONSTITUTION PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN
1973.



ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

CP NO.D-5177/2021

For hg. Of main case.

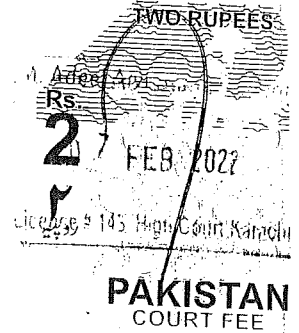
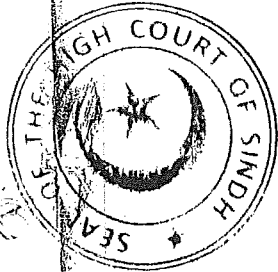
14.02.2022

M/s Ayaz Ahmed Ansari and Salman Sabir, Advocates for the petitioner.
Mr. Khaleeq Ahmed, DAG and Barrister Hussain Bohra, Assistant Attorney General.
Mr. Barkat Ali Metlo, Advocate for Respondent NO.9.
Barrister Imran Ali Mithani, Advocate files power on behalf of Respondent No.4.

===

Through the instant petition, the petitioner seeks the following reliefs:-

- "a) It is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to direct the respondents No. 1,3,4,5,6&7 to implement National Highways Safety Ordinance,2000 especially its Sections 43, 44, 75 and 83 read with Schedule VI of the said Ordinance for the benefit of the citizens of Pakistan and the petitioner company.
- b) It is further prayed that this Hon'ble Court may graciously be pleased to direct the respondents Nos. 2, 7,8 and 9 to act strictly in accordance with National Highways Safety Ordinance, 2000 and must discourage and should not allow the transporters /bonded carriers/cargo carriers, trucks/heavy vehicles to carry excess load from their ports, their jurisdictional premises, cargo arrears etc.
- c) Any other relief or reliefs in favour of the petitioner and/or citizens of Pakistan may be granted by this Hon'ble Court in the circumstances of the case".



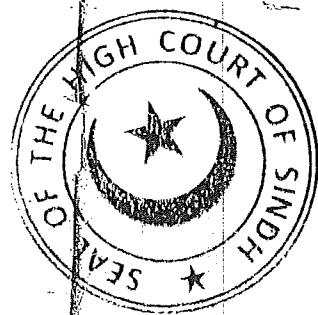
At the very outset, learned counsel for the petitioner has placed on record a copy of the judgment passed by the Islamabad High Court in JZ Enterprises Pvt. Limited vs Federation of Pakistan reported in PLD 2020 Islamabad 306, and submits that the controversy (subject matter of the present petition.) has been resolved by the Islamabad High court in the aforesaid judgment.

Barrister Imran Ali Mithani, Advocate for Respondent No.4 files parawise comments, which are taken on record. Paragraph

6

No.4 of the said comments reflects that the load limits under the Sixth Schedule of the National Highway Sindh Ordinance, 2000 have been fixed at various points of the National Highway and various mobile weigh stations have been established which are operational and discharging their duties in accordance with the Ordinance, 2000.

In the wake of above referred judgment of the Islamabad High Court, the instant petition stands disposed of.



Justice Yusuf Ali Sayed

Sd/- Chief Justice
Sd/- Yusuf Ali Sayed
Judge

THE HIGH COURT OF SINDH, KARACHI
CERTIFIED TO BE TRUE COPY

sharif
(MUHAMMAD SARFARAZ)
I/C: ASSISTANT REGISTRAR (COPYING)

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