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IN THE HIGH COURT OF SINDH AT KARACHI
[CONSTITUTIONAL JURISDICTION]

CONSTITUTIONAL PETITION NO.

D-

2689

Presented on 14-12-09
OF 2009

Deputy Registrar (Writ)

**INDEPENDENT MEDIA CORPORTION
(PRIVATE) LIMITED**, a public limited
company incorporated under the laws of
Pakistan, having its registered office at
Printing House, I. I. Chundrigar Road,
Karachi

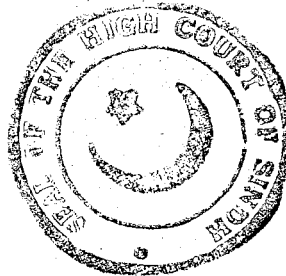
*Through Company Secy authorized
representative*

.....PETITIONER

VERSUS

1. **PAKISTAN ELECTRONIC
MEDIA REGULATORY AUTHORITY**, a
body corporate established under the
Pakistan Electronic Media Regulatory
Authority Ordinance, 2002, through its
Chairman, having its Sindh Region
office at D-71, Block-7, Clifton, Karachi

2. **PAKISTAN**, through the
Secretary, Ministry of Information and
Broadcasting, 4th Floor, Cabinet Block,
Pak. Secretariat
Islamabad.....



.....RESPONDEDNTS

**CONSTITUTIONAL PETITION
UNDER ARTICLE 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P. No. D-2689 of 2009

Order with signature of Judge

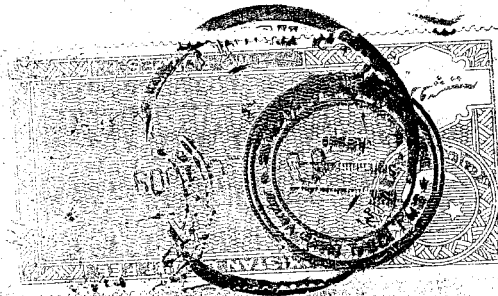
1. For orders on Misc. No. 13063/2009.
2. For orders on Misc. No. 13064/2009.
3. For Katcha Pesfi.
4. For orders on Misc. No. 13065/009.

16.12.2009.

Mr. Makhdoom Ali Khan and Ms. Saman Imtiaz, Advocates
for the Petitioner.

1. Allowed.
2. Allowed subject to all just exceptions.

3&4. Learned Counsel for the Petitioner says that per the impugned notice, Pakistan Electronic Media Regulatory Authority (PEMRA) has required the Petitioner, who is a Licence Holder, whereby it is operating its Television Channels, to pay 5% to 7.5% of the its gross revenue per its audited accounts in terms of Rule 28 of the PEMRA 2002 Rules read with Regulation 13 of the PEMRA Regulations 2002. According to Learned Counsel, neither in the PEMRA Act nor in the Rules made there under, which are statutory in nature, is there any provision for such payment. According to him, per Section 19 (4) of the Act, the PEMRA is entitled to charge a one time Licence Fee and annual renewal thereof. Consequently, any provision in the Regulations to this effect would be unlawful and ultra vires the power of PEMRA. He, therefore, prays that notice be issued. In the meantime, the impugned demand be stayed.



We have heard Learned Counsel. Prima-facie, there is nothing either in the PEMRA Act or in the Rules made thereunder, which justifies the demand of 5% to 7.5% of the gross revenue of the Petitioner by PEMRA. Hence, we would issue notice to the Respondents as well as Learned DAG. In the meantime, the impugned demand is suspended.

Adjourned to 24.12.2009.

Sd. Sarmad Salal Azmeir

[Signature]
CHIEF JUSTICE

[Signature]
JUDGE

Sd. Sajjad Ali Shah



Certified To *[Signature]*
Assistant Registrar

Seventeen Dec 09
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Assistant Registrar