



# FECTO CEMENT LTD.

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FCL/SHD/001-92/ 2084

**The Securities and Exchange Commission of Pakistan**  
Securities Market Division  
National Insurance Corporation Building  
Jinnah Avenue  
Islamabad  
Fax No. 051 9204915

May 11, 2015

**The General Manager**  
Karachi Stock Exchange Limited  
Stock Exchange Building  
Stock Exchange Road  
Karachi  
Fax No. 021 111 573 329

**The Secretary**  
Lahore Stock Exchange Limited  
19- Khyaban-e-Aiwan-e-Iqbal  
Lahore  
Fax No. 042 36368485

**The Secretary**  
Islamabad Stock Exchange Limited  
ISE Tower  
55-B, Jinnah Avenue  
Islamabad  
Fax No. 051 111 473 329

Dear Sir(s)

## MATERIAL INFORMATION

This is in continuation of our earlier letters No. FCL/SHD/001-92/1795 dated March 24, 2015 and FCL/SHD/001-92/1837 dated March 31, 2015 respectively conveying therein material information in respect of cancellation of mining lease of the Company by Mr. Bashir Ahmed, Director Industries and Labour, ICT, Islamabad allegedly in pursuance of Supreme Court order.



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We would like to apprise you with the current status of the matter that on an appeal filed by the Company in the Supreme Court of Pakistan against cancellation of mining lease of the Company. Hearing on the said appeal was held on April 30, 2015 and it was disposed of by the Hon 'able Court with the observation "that the learned Islamabad High Court may proceed with the matter expeditiously and in this regard Registrar of the Islamabad High Court, Islamabad shall bring the matter into the notice of the Hon 'able Chief Justice of High Court, however, for the next twenty days which shall commence from 2<sup>nd</sup> May, 2015, the impugned orders issued by the ICT and CDA shall not be acted upon. However, it would be with in the discretion of learned High Court to rescind, modify or vacate this order in due course on the basis of materials becomes available to it." (Certified copy of the Order received on May 07, 2015 is attached herewith for ready reference). Copies of the Order have been delivered to all concerned for their information and necessary action so the Company can resume its mining activities.

It may please be, however, noted that hearing in the contempt petition in which order was passed by the Hon 'able Supreme Court on March 16, 2015, allegedly used by ICT and CDA for cancellation of mining lease is fixed for hearing on May 13, 2015 where the Company will be represented by its lawyers.

We will keep abreast you with whatever development takes place in the matter.

Yours faithfully  
For Fecto Cement Limited

Abdul Samad  
Company Secretary

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

PRESENT:  
MR. JUSTICE DOST MUHAMMAD KHAN  
MR. JUSTICE UMAR ATA MANDIAL

CIVIL PETITION NO. 654/2015

(On appeal from the order dated 9.4.2015 passed by the Islamabad High Court, Islamabad in W.P.No.996/2015)

Peco Cement Ltd through its authorized representative

... Petitioner

VERSUS

Capital Development Authority, through its Chairman

... Respondent

For the petitioner:	Ch. Aitzaz Ahsan, Sr.ASC Mr. M.S. Khattak, AOR
For CDA:	Mr. Muhammad Munir Peracha, ASC Mr. Tariq Mehmood Jahangiri, ASC Raja Abdul Ghafoor, AOR Fauzia Khan, Director, EPC, CDA
For ICT:	Mr. Tariq Mahmood Jahangir, ASC Ch. Bashir Ahmed, Director-Industries.
Date of Hearing:	30.04.2015

ORDER

DOST MUHAMMAD KHAN, J.- Through this petition, the petitioner Peco Cement Ltd through its representative challenges the interim order of the Islamabad High Court, Islamabad dated 9.4.2015 whereby it was held that the High Court could not proceed further in the matter to determine the issues in question because the matter was already subjudice before this Court, in view of the order of this Court dated 25.10.2013.

2. We have heard Ch. Aitzaz Ahsan, learned Sr. ASC, Mr. Muhammad Munir Peracha, learned ASC for CDA and Mr. Tariq Mehmood Jahangiri, learned ASC for the ICT.

**ATTESTED**

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Supreme Court of Pakistan  
Islamabad

3. Learned counsel for the petitioner vehemently contended that under the garb of order of Supreme Court referred above, the ICT has passed cancellation of petitioner's mining lease order dated 17.03.2015 and CDA has issued an expulsion notice in quick succession without following statutory procedure by taking undue advantage of the Supreme Court order to achieve something in a manner not warranted under the law.

Learned Sr. ASC further contended that the Mills is carrying out mining operation in the bed of the rocks and extracting only lime-stone without deshaping the beauty of the park in any manner nor such activity is prejudicial to the environment of the area. He added that modern filtration equipments have been installed in the factory and smoke likely to pollute the environment has been brought to zero level and that, this aspect can be verified on the spot by the E.P.A., the Independent Authority. He further maintained that a civil suit on original jurisdiction is pending disposal before the Islamabad High Court besides Constitutional Petition and because controversial questions of facts are involved, needs adducing of evidence and spot verification which this court cannot undertake in vacuum without solid materials to be placed before it. He also prayed for issuance of injunction order for a limited period because due to the adverse orders passed by the ICT and the CDA round about 5000 employees have been rendered jobless, the petitioner is suffering loss in millions in local currency and due to the impugned orders the share value of the company has sharply dropped down in the Karachi Stock Exchange (KSE) which is colossal loss to the petitioner and because the Mills was installed in the year 1982 much before coming into force of Pakistan Environmental Protection Act, 1997 and that too with the express permission of the Minister of Industries and all other concerned authorities, therefore, at this stage chocking the

**ATTESTED**

Signature  
Date  
Notary Public

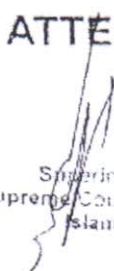
factory/mining activities would be serious set back even to the national exchequer from whom the petitioner is paying billions of rupees tax.

4. Learned counsel for the CDA and ICT vehemently contended that present petition is not maintainable because no conclusive/final order has been passed by the Islamabad High Court, determining the issues in controversy in one way or the other and because all the impugned orders were issued by the ICT or the CDA for stopping mining activities within the areas of national park (Margla Hills) and for the cancellation of lease to give effect to the order of this court dated 25.10.2013.

5. We would like to avoid discussing deeply the merits of the case lest it prejudice the case of the one or the other party before the learned Islamabad High Court both in Constitutional Petition and in civil suit when both are subjudice there, more so, the same would require factual materials and evidence including inspection reports of local inquiry commission which are yet to be procured thus, discussion thereon is avoided for the above purpose.

6. As the learned Islamabad High Court has shown restraints to proceed with the matter because a petition in the original jurisdiction, under Article 184 of the Constitution is pending before this Court in which some interim orders have been passed. However, these orders are not encompassing the controversial question of the facts agitated and argued today before us, including cancellation of mining lease without conducting demarcation. Therefore, it would be more plausible that learned Islamabad High Court shall proceed with both the matters with reasonable speed and to decide the same including the question of interim relief on the basis of materials and evidence to be

**ATTESTED**

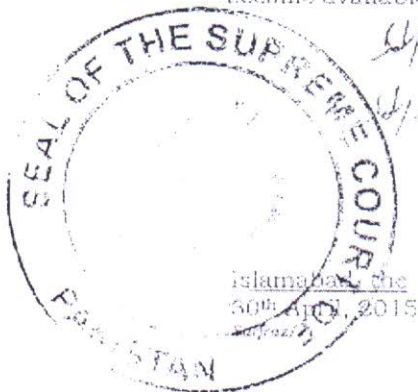
  
Superintendent  
Supreme Court of Pakistan  
Islamabad

collected which is not possible for us to decide one way or the other. Whether the impugned orders issued by the ICT or the CDA have disregarded the statutory rules and regulations, is also a matter to be considered by the learned High Court.

As the matter relates to right of public at large to the friendly environment on one hand while on the other hand the entire stake of the petitioner is involved and as alleged he would be fully suffocated if the impugned order remains in the field for a long time.

7. Accordingly this petition is disposed of with the observation that the learned Islamabad High Court may proceed with the matter expeditiously and in this regard Registrar of the Islamabad High Court, Islamabad shall bring the matter into the notice of the Hon'ble Chief Justice of the High Court, however, for the next twenty days which shall commence from 2<sup>nd</sup> May, 2015, the impugned orders issued by the ICT and CDA shall not be acted upon. However, it would be within the discretion of the learned High Court to rescind, modify or vacate this order in due course on the basis of materials become available to it.

*Mr. Dust Muhammad Khan*  
*Mr. Umar Ata Bhatti*



Certified to be True Copy

*[Signature]*  
Superintendent  
Supreme Court of Pakistan  
Islamabad

Not approved for reporting

Case No.	7179/15	Civil/Criminal
Date of Presentation	30-4-15	
No. of Warrants	12	
No. of Entries	12	
Charges	5	
Copy of Judgment	7	
Costs	12	
Date of Report	07/5/15	
Compared by	<i>[Signature]</i>	
Received by	<i>[Signature]</i>	