

AC/194/14

April 01, 2014

The General Manager

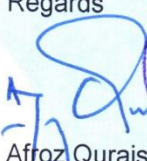
1. Karachi Stock Exchange (Guarantee) Limited
Stock Exchange Building
Stock Exchange Road
Karachi
Fax # 021-111-573-329
2. Lahore Stock Exchange
19-Khyban-e-Aiwan-e-Iqbal
Lahore
Fax # 042- 3636 8485
3. Islamabad Stock Exchange
Islamabad
Fax # 051-111-473-329

SUB: MATERIAL INFORMATION

Dear Sir(s)

We attached herewith a copy of writ petition with annexures, alongwith order of the Islamabad High Court, Islamabad.

Regards


Afroz Quraishi
Company Secretary



IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

No. 10033 /writ
Date. 28/03 /2014

From:-

The Deputy Registrar (Judicial),
Islamabad High Court,
Islamabad.

To:-

1. Security & Exchange Commission of Pakistan (SECP), through its Chairman, NIC Building, 63 Jinnah Avenue, Blue Area, Islamabad.
2. PICIC Insurance Ltd. through its Chief Executive Officer, 8th Floor, Shaheen Complex, M.R. Kiyani Road, Karachi, Pakistan.
3. KM Enterprises (Pvt) Ltd. through its Chief Executive Officer, BC-6, Block -5, Scheme-5, Kehkashan, Clifton, Karachi.
4. NIB Bank Ltd. through its Chief Executive Officer, 1st Floor, Post Mall, F-7 Markaz, Islamabad, Pakistan.

Subject: Writ Petition No. 1428-2014
Muhammad Akif Khan v/s SECP, etc.

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated 28-03-2014 together with a copy of petition with all annexure on which the said order has been passed by Hon'ble Mr. Justice Riaz Ahmed Khan in the above noted case.

I am to add that the report and parawise comments asked for should be clearly typed in triplicate and submitted to this Court within 02 weeks positively without fail.

Yours Faithfully,


Assistant Registrar (Judicial),
For Deputy Registrar (Judicial)

*Muhammad Aways
29-03-2014



Form No HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No. 1428 of 2014

Muhammad Akif Khan
Versus
SECP, etc

S. No of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
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28-03-2014.

Mr Muhammad Ashraf Tiwana & Mr Jawwad Hassan, advocates for the petitioner.

Contention of learned counsel for the petitioner is that the shares of PICIC were initially purchased by NIB Bank Ltd. The NIB Bank wanted to sell those shares and SECP through illegal order gave approval for the sale of those shares to respondent No.3. According to learned counsel for the petitioner, the respondent No.3 is not a proper person to run the business of insurance, as the said enterprises does not qualify under Sections 11 and 12 of the Insurance Ordinance, 2000. Furthermore, the order of SECP is based on malice, as the paid up capital of the said enterprises is only Rs.4000/-. It is further submitted that the said company had come into existence only one month ago.

2. In the circumstances, Call for the comments of the respondents, so as to reach this Court within a fortnight.

3. Mr Muzaffar Ahmad Mirza, Director Law, SECP present in the Court, accepts the notice on behalf of the SECP and has committed that he would file comments within a fortnight.

C.M. No., 02 of 2014.

Notice. Learned counsel for the applicant has prayed for stoppage of sale of shares. The sale of the shares would continue; however the sale would be subject to the decision of this Court.

TRUE COPY
29/3/14

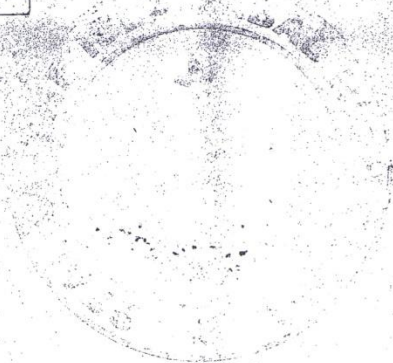
C.M. No. 01-E of 2014.

Exemption sought for is allowed, subject to all just and legal exceptions.

✓ -sd- ✓
(RIAZ AHMAD KHAN)
JUDGE

Asad K/*

[Handwritten Signature]
TRUE COPY
29/3/14



IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

W.P No. 1428/2014

Muhammad Akif Khan

Vs.

Securities and Exchange Commission of Pakistan and Others

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

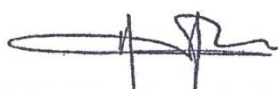
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Petitioner

Through


Muhammad Ashraf Tiwana
Advocate High Court

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Islamabad, Pakistan, 44000
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IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

Writ Petition No. 1428 of 2014

Muhammad Akif Khan
s/o Abdul Qayyum Khan
House No.344, Street No.25,
Rawal Town, Islamabad

.....Petitioner

Versus

1. **Securities and Exchange Commission of Pakistan**
through its Chairman
NIC Building, 63 Jinnah Avenue
Blue Area, Islamabad
2. **PICIC Insurance Limited**
through its Chief Executive Officer
8th Floor, Shaheen Complex
M.R. Kayani Road
Karachi, Pakistan
3. **KM Enterprises (Pvt) Limited**
through its Chief Executive Officer
BC-6, Block-5, Scheme-5
Kehkashan, Clifton, Karachi
4. **NIB Bank Limited**
through its Chief Executive Officer
1st Floor, Post Mall
F-7 Markaz
Islamabad, Pakistan

.....Respondents

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

SUMMARY

Being aggrieved by violation of his fundamental rights (i.e. Article 18 of trade, Article 9 of life, Article 24 protection of property, Article 4 inalienable right to enjoy the protection of laws and Article 3 of elimination of exploitation), as well as in public

interest, the Petitioner is filing the writ of *certiorari* under Article 199 (1)(a)(ii) of the Constitution of Pakistan, 1973 to seek a declaration that the act done by Respondent No.1 (i.e. the permission granted for the acquisition of Respondent No. 3 by Respondent No.4) within the territorial jurisdiction of the Islamabad High Court by a person (i.e. SECP) performing functions in connections with the affairs of the Federation under the SECP Act, 1997 has been done without lawful authority and is of no legal effect.

PRELIMINARY

1. The Petitioner is a policy holder of PICIC Insurance Limited (Respondent No. 3) bearing Policy No. 03/P/C111/0007289/0314/03 (the "Policy") and is a law abiding citizen of Pakistan. The address of the Petitioner for service of all notices and processes is that of his advocates at House 23-B, Street 38, Sector F-8/1, Islamabad.
2. Respondent No. 1 is the Securities and Exchange Commission of Pakistan ("SECP and/or Commission") established under Section 3 of the Securities and Exchange Commission of Pakistan Act, 1997 (the "SECP Act"), acting through its Chairman who is the Chief Executive Officer. Pursuant to the SECP Act and the Insurance Ordinance, 2000 ("Insurance Ordinance"), SECP regulates and supervises the insurance industry in Pakistan.
3. Respondent No. 2 is PICIC Insurance Limited ("PICIC Insurance") which is a public listed company carrying on the business of insurance in Pakistan. It is registered with SECP as a non-life insurance company under the Insurance Ordinance. Being a listed company as well as an insurance company it is regulated and supervised by SECP under the Insurance Ordinance and the Companies Ordinance, 1984.
4. Respondent No. 3 is KM Enterprises (Pvt) Limited ("KM Enterprises"), which has been incorporated on 13-12-2013 and has been permitted by SECP to acquire majority shares of PICIC Insurance.
5. Respondent No. 4 is NIB Bank Limited ("NIB Bank") which is a scheduled bank licenced by the State Bank of Pakistan. It is a major shareholder of PICIC Insurance and has been permitted by SECP to sell shares of PICIC Insurance owned by it to KM Enterprises.



FACTS

6. Insurance is a highly technical and at the same time a risky business and therefore very strictly regulated throughout the world. Regular payments of premium are made to the insurance companies by policy holders for long periods of time in the expectation that the insurance companies would continue to remain financially solvent and their losses would be ultimately covered. The policy holders are therefore exposed to a severe financial risk. In Pakistan, the Insurance Ordinance, the Insurance Rules, 2002 (the "Insurance Rules") and Securities and Exchange (Insurance) Rules, 2002 ("SEI Rules") are the primary legislations dealing with the regulation of insurance business and protection of policy holders.
7. In year 2000, the pre-independence Insurance Act, 1938 was repealed and replaced with a modern and international standard Insurance Ordinance for stringent regulation and enhanced protection of policy holders. All regulatory powers and functions under the Insurance Ordinance were vested in SECP after being taken over from the Controller of Insurance operating under the Ministry of Commerce, Government of Pakistan. The preamble of the Insurance Ordinance provides that it has been enacted to "regulate the business of insurance industry to ensure the protection of the interests of insurance policy holders and to promote sound development of the insurance industry...". Simultaneously, the SECP Act was amended to *inter alia*, insert the following sub-clauses in sub-section (6) of section 20 of the SECP Act to provide how these powers and functions are to be exercised by SECP.

"(6) In performing its functions and exercising its powers, the Commission shall strive:

...

(fa) to maintain the confidence of holders of insurance policies by protecting the interests of policy holders and beneficiaries of insurance policies in all matters. ... ;"

[Emphasis added]

8. Accordingly, with the object of protecting policy holders' interest, sections 5 and 6 of the Insurance Ordinance prescribe strict eligibility requirements for persons who wish to carry on insurance business. Section 7 lays down a duty upon SECP to satisfy itself before granting the registration that the applicant *inter alia*, is (i) able to, and will continue to be able to meet its liabilities, and (ii) meets, and is likely to continue to meet the criteria for sound and prudent

management set out in section 12 of the Insurance Ordinance. Section 11 imposes the aforesaid conditions directly on insurers, and under section 63(1), SECP can direct an insurer to cease issuing new insurance policies if anytime it has failed or is about to fail in complying with the conditions given in section 11. This power given to SECP to virtually stop the business of insurance companies, shows on one hand how important these conditions are, and on the other hand it seeks to ensure that new policy holders are not exposed to similar risks which are confronting the existing policy holders.

9. The Policy was obtained by the Petitioner from PICIC Insurance on the understanding and legitimate expectation that PICIC Insurance, which was owned by a well-known financial group, would continue to be properly governed by qualified and experienced management and will be able to satisfy its claim under the Policy, should the need arise. Further, the Petitioner relied on the fact that Insurance is a strictly regulated business as explained above, and SECP would protect his interest by implementing the aforesaid laws in letter and spirit.

(Copy of the Insurance policy obtained by the Petitioner is attached as Annex-A)

10. However, no sooner had the Petitioner obtained the Policy that media reports revealed that the majority shareholding of PICIC Insurance is being sold to KM Enterprises (Respondent No.3). It is further informed that SECP has already given approval for the acquisition of PICIC Insurance by KM Enterprises vide *inter alia*, its letter dated 16-01-2014 (Impugned Decision"). The Impugned Decision allows NIB Bank, which is currently the largest shareholder of PICIC Insurance, to sell its shares to KM Enterprises.

(Impugned Decision dated 16-01-2014 is attached as Annex-B and media reports are attached as Annexes-C & D)

11. As mentioned above, KM Enterprises was incorporated as recently as 13-12-2013 and has a total paid up capital of Rupees four thousand (Rs. 4,000/-). It is beyond comprehension how a newly formed company with such meager capital can acquire an Insurance company with assets worth Rs.967 million. The gross premium written by PICIC Insurance in 2012 was Rs.594 million. Whereas it received Rs.323 million as net premium revenue for year 2012 which is the amount paid by the policy holders as premium in one year.

(Annual Report of PICIC Insurance for year 2012 is attached as Annex-E)

12. It is apparent that KM Enterprises, its sponsors and directors do not have the financial soundness, requisite professional skills, industry knowledge, and experience appropriate for the business and activities of PICIC Insurance. Its management does not possess any experience or qualifications relevant to the conduct of insurance operations to carry on the business of insurance as required under section 12 of the Insurance Ordinance. The media reports suggest that KM Enterprises may be a front company for sponsors of a ceramic tile manufacturing company, namely Karam Ceramics Limited. If that is correct, even Karam Ceramics and its sponsors do not possess the requisite expertise. According to the Karam Ceramics' Annual Report for the year 2013, its vision is "To become leading Ceramic manufacturing Industry (sic) in Pakistan with complete unit of Tiles and Floor Tiles". More than 70% of its shares are held by the company's directors and their family members, which means that it is a family-owned business rather than a professionally managed corporate entity. KM Enterprises and Karam Ceramics are also not part of any worthwhile financial and business group which would lend them the financial and corporate expertise and knowledge to manage an insurance business.

(Karam Ceramics' Annual Report for the 2013 is attached as Annex-F)

13. As opposed to above, NIB Bank which is currently the largest shareholder of PICIC Insurance is one of the largest foreign banks in Pakistan with a paid up capital of Rs. 103 billion. Long-term rating of NIB Bank is AA- (Double A minus) and its short-term entity rating is A1+ (A one plus). It is a subsidiary of Temasek Holdings which is an investment company owned by the Government of Singapore. Supported by 10 affiliates and offices in Asia and Latin America, Temasek owns a portfolio of US\$ 167 billion. Temasek has been assigned an overall corporate credit rating of "Aaa" by Moody's and "AAA" by Standard & Poor's, which is its 10th year as a triple-A credit since its inaugural rating in 2004. Due to the financial backing of an international investment group like Temasek, PICIC Insurance is currently backed by first class reinsurers, which underwrite its risks.

14. It is most pertinent to point out that the Insurance Ordinance sets out stringent criteria for registration under sections 6 & 7 of the Insurance Ordinance to commence the insurance business. SECP should have applied at least the same criteria if not higher, in case the major shareholding of PICIC Insurance is being sold by a current shareholder, i.e. NIB Bank in order to



protect the interest of the policy holders. The SEC Rules require that the application of an insurer should include, inter alia, particulars of any business carried on by each person holding an interest of 10% (ten percent) or more in the issued share capital of the insurer. Further, the SEC Rules require assurance of compliance with the provisions of the Insurance Ordinance, including Section 11 and Section 12 of the Insurance Ordinance, which KM Enterprises, the proposed acquirer, fails to meet.

15. It is further pointed out that section 67 of the Insurance Ordinance requires that any transaction for acquisition of more than 10% (ten percent) of the shareholding or the business of an insurance company cannot proceed unless, on an application by the transferor, approval is given by SECP. Sub-section (3) of section 67 casts a duty upon SECP to "make an informed decision about the transaction in the interests of policy holders and shareholders" when granting approval for the acquisition of an insurance company. The Impugned Decision shows that NIB Bank applied for SECPs' approval for the sale of shares of PICIC Insurance to KM Enterprises. SECP treated this request as an application under section 67 and gave the approval unreasonably, arbitrarily and unlawfully.
16. In addition to the aforesaid requirements of Insurance Ordinance, the provisions of the SECP Act are also very clear as to how SECP is to make its decisions. Section 22(4) of the SECP Act provides as follows:

(4) The Commission when exercising its powers under this Act shall have regard, so far as relevant to the circumstances of the particular case, to-

(a) the viability of the company or body corporate;

(b) the quality and capability of the management of the company or body corporate;

...

(da) the professional competence and capability of persons engaged in the provision of services in the insurance industry;

(db) the interest of insurance policy holders, existing or potential, where applicable;

...

(f) the general public interest.

17. It is apparent that SECP did not take into account any of the above criteria while giving approval to KM Enterprises to acquire PICIC Insurance. Furthermore, section 12 of the Insurance Ordinance sets out detailed criteria



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for sound and prudent management of an insurer which needs to be considered by SECP while allowing a person to carry on insurance business.

"12. Criteria for sound and prudent management.- (1) For the purposes of this Ordinance, the following shall, without limitation, be recognised as criteria for sound and prudent management of an insurer or applicant for registration as a person authorised to carry on insurance business:

(a) the business of the insurer or applicant is carried on with integrity, due care and the professional skills appropriate to the nature and scale of its activities;

(b) each director and officer or (in the case of an applicant which is a body corporate incorporated outside Pakistan) the principal officer in Pakistan of the insurer or applicant is a fit and proper person to hold that position;

(c) the insurer or applicant is directed and managed by a sufficient number of persons who are fit and proper persons to hold the positions which they hold;

...

Explanation: A person is a fit and proper person who possesses such experience and qualifications as are appropriate for the duties for which he is responsible, and conducts those duties with due diligence and skill. A person is not a fit and proper person to hold the position of Chairman, or of Chief Executive or principal officer in Pakistan, of an insurance company if that person does not have experience or qualifications of direct relevance to the conduct of insurance operations. A person is not a fit and proper person if the association of that person with the insurer is or is likely, for whatever reason, to be detrimental to the interest of the insurer or of the policy holders, or is otherwise undesirable."

[Emphasis provided]

18. Again it is apparent that SECP did not consider the above criteria while allowing KM Enterprises to acquire PICIC Insurance. In the most recent and high profile corruption case of National Insurance Company Limited, Suo Moto Case No.18 of 2010 (NICL scandal), the importance of the aforesaid criteria for sound & prudent management and SECP's duty to act in accordance with law in the interest of policy holders came under discussion in the Supreme Court judgment. While holding the appointment of Ayyaz Niazi to the post of Chairman NICL as illegal (being against section 12 of the Insurance Ordinance) the august Court, at Para 55 of the judgment, held that if "... SECP had conducted fit and proper test under section 12 of the National (sic) Insurance Ordinance, 2000, there were all possibilities to avoid corruption and corrupt practices and misappropriation of billions belonging to public exchequer".



19. Further, being public functionary, SECP also has a legal duty to make reasoned decisions after application of mind. In this regard, section 22(5) of the SECP Act specifically provides that section 24A of the General Clauses Act shall apply to any decision made by SECP. The august Supreme Court in its most recent and authoritative judgment titled Muhammad Ashraf Tiwana vs Pakistan [2013 SCMR 1159] expounded on the requirements under section 22(5) of SECP Act, and held that an unreasoned order by SECP is illegal. The relevant extract at para 53 of the judgment is reproduced.

"Firstly, some attention needs to be paid to Section 22(5) of the SECP Act which states that "[s]ubject to the compliance of the provisions of subsection (3), section 24A of the General Clauses Act, 1897 shall apply to any order made or direction given under this Act." Section 24A of the General Clauses Act, 1897, obliges every person exercising powers conferred by a statute, to act "reasonably, fairly, justly and for the advancement of the purpose of the enactment." It also stipulates that the person making any order under the power conferred by any enactment shall, so far as necessary or appropriate, "give reasons for making the order"."

[Emphasis provided]

20. The Impugned Decision has been made by SECP without assigning any reasons, without application of mind, without considering the interests of the Petitioner and other policy holders of PICIC Insurance and against specific provisions of law. SECP has failed to ensure that KM Enterprises, the proposed acquirer of PICIC Insurance, is competent or has the requisite skills to perform the functions required by insurers, or has the financial soundness, or meets the criteria for sound and prudent management of an insurer as set out under the Insurance Ordinance.
21. Accordingly, the act of SECP in giving the approval for acquisition of PICIC Insurance by KM Enterprises is illegal and should be declared without lawful authority on the following:

GROUNDS

- A. The Impugned Decision has been made by SECP in violation of Section 67 of the Insurance Ordinance which obliges them to "make an informed decision about the transaction in the interests of policy holders and shareholders", and is therefore *ultra vires* of law;

- B. The Impugned Decision in allowing KM Enterprises to acquire PICIC Insurance is in violation of the continuing conditions laid down in sections 7 and 11 (conditions of registration) and section 12 (sound & prudent management) of the Insurance Ordinance, and is therefore illegal;
- C. The Impugned Decision has been made without taking into consideration the conditions placed upon SECP under section 22(4) of the SECP Act and is therefore without lawful authority and void;
- D. The Impugned Decision is not a detailed, reasoned or considered decision as required to be given by public functionaries, specifically as required under section 22(5) of SECP Act read with section 24A of the General Clauses Act 1897;
- E. SECP has failed to act in "advancement of the purpose of the enactment" i.e. the Insurance Ordinance and the SECP Act as provided in section 24A of the General Clauses Act and held by the Supreme Court. It has failed to carry out its obligations to regulate the Insurance industry in accordance with the provisions of applicable laws, and have made the Impugned Decision against the interests of the policy holders, including the Petitioner;
- F. The Impugned Decision is otherwise unreasonable, perverse, arbitrary, against public interest, contrary to accepted principles of good governance and regulation, as it seeks to handover a restricted, highly specialized, technical and risky financial business to persons who are neither 'fit & proper' nor have any expertise and skills to own, manage and operate insurance business.
- G. The Impugned Decision would likely lead to mismanagement, misapplication of assets, bad governance, contraventions of law and insurance policy defaults resulting in substantial loss to public investors whether as policy holders or shareholders of PICIC Insurance generally, and the Petitioner specifically.

PRAYER

In view of the above, it is most respectfully prayed that:

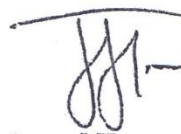
1. The Impugned Decision dated 16-01-2014 and any other approval given by Respondent No.1 (SECP) for the acquisition of shares of Respondent No.2 (PICIC Insurance) by Respondent No.3 (KM Enterprises) may be declared illegal, without lawful authority or legal effect and accordingly be set aside.




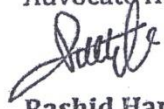
2. It may be declared that Respondent No.3 (KM Enterprises) and its sponsors/directors are not fit & proper persons and do not meet the requirements laid down in the Insurance Ordinance to own, operate and carry on the business of insurance;
3. Respondent No. 1 (SECP) may be restrained from granting further approvals under the Insurance Ordinance, Listed Companies (Substantial Acquisition of Voting Shares and Take-overs) Ordinance, 2002 or any other law administered by it for the sale of majority shares of Respondent No.2 (PICIC Insurance) to any person who is not fit and proper;
4. A temporary injunction may be granted suspending the Impugned Decision dated 16-01-2014 and/or any other approval granted by SECP for the acquisition of shares of PICIC Insurance by KM Enterprises till the final decision in this petition;
5. Any other relief deemed fit and proper may kindly be granted to the Petitioner.

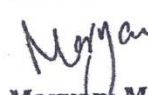

 Petitioner

Through


 Jawad Hassan
 Advocate Supreme Court


 Muhammad Ashraf Tiwana
 Advocate High Court


 Rashid Hanif
 Advocate High Court


 Maryam Mamdot
 Barrister-at-Law

Street 80, H. No.2, G-6/4
 Islamabad, Pakistan, 44000
 Tel: (92-51) 843 8140-2
 Fax: (92-51) 831 6140
 E-mail: ashraf@aqtaal.com



Certified:

1. That this is the petition being filed by the Petitioner on the subject as information received from the petitioner.
2. That there is no alternative equally efficacious and speedy remedy available to the Petitioner.


 Counsel

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IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

C.M No. _____/2014

In

W.P No. _____/2014

Muhammad Akif Khan

Vs.

Securities and Exchange Commission of Pakistan and Others

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

APPLICATION FOR EXEMPTION UNDER SECTION 151 CPC

Respectfully submitted that:


1. The Petitioner has filed the captioned Writ Petition before this Hon'ble Court today.
2. The Petitioner has filed uncertified copies of certain documents as the certified copies thereof could not be obtained due to paucity of time and exigency of the matter.
3. The uncertified copies of the said documents are the true copies.

WHEREFORE, it is respectfully prayed that filing of the certified copies of certain documents attached with the Writ Petition may kindly be dispensed with in the interest of justice.

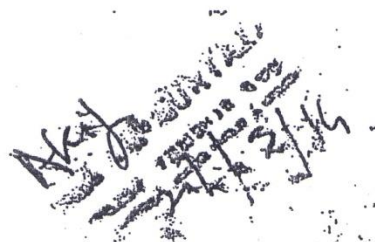


Petitioner

Through


Muhammad Ashraf Tiwana
Advocate High Court





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IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

C.M No. _____/2014

In

W.P No. _____/2014

Muhammad Akif Khan

Vs.

Securities and Exchange Commission of Pakistan and Others

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

APPLICATION FOR EXEMPTION UNDER SECTION 151 CPC

AFFIDAVIT

I, Muhammad Akif Khan s/o Abdul Qayyum Khan House No.344, Street No.25, Rawal
Town, Islamabad, do hereby affirm and declare on oath, at Islamabad, on this 27th day
of March 2014 that contents of the accompanying application are true and correct to
the best of my knowledge and belief.

M. Akif Khan

Deponent

Further affirmed on oath that contents of this affidavit are true and correct to the best
of my knowledge and belief and nothing material has been concealed or withheld
therein.

M. Akif Khan

Deponent

Certified that the above was declared on oath
before me

By Mr. *Rashid Hamid*
Identified by *Rashid Hamid*
on _____



Muhammad Siddique Qazi
Oath Commissioner
Islamabad High Court, Islamabad



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IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

C.M No. _____/2014

In

W.P No. _____/2014

Muhammad Akif Khan

Vs.

Securities and Exchange Commission of Pakistan and Others

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

APPLICATION FOR INTERIM INJUNCTION

Respectfully submitted that:

1. The Petitioner has today filed the captioned writ petition before this Hon'ble Court. The contents of the said petition may kindly be read as an integral part of this application.
2. The Petitioner has a good prima-facie and arguable case.
3. The balance of convenience is in favour of the Petitioner.
4. In case temporary injunction is not granted the Petitioner shall suffer irreparable loss.

Prayer

WHEREFORE, it is respectfully prayed that till final decision of the instant writ petition:

1. A temporary injunction may be granted suspending the Impugned Decision dated 16-01-2014 and/or any other approval granted by SECP for the acquisition of shares of PICIC Insurance by KM Enterprises till the final decision in this petition;
2. Respondent No. 1 (SECP) may be restrained from granting any approvals under the Insurance Ordinance, Listed Companies (Substantial Acquisition of Voting Shares and Take-overs) Ordinance, 2002 or any other law administered



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by it for the sale of majority shares of Respondent No.2 (PICIC Insurance) to any person who is not fit and proper;

3. Any other relief deemed fit and proper may kindly be granted to the Petitioner.



Petitioner

Through



Muhammad Ashraf Tiwana
Advocate High Court



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IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(Constitutional Jurisdiction)

C.M No. _____/2014

In

W.P No. _____/2014

Muhammad Akif Khan

Vs.

Securities and Exchange Commission of Pakistan and Others

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

APPLICATION FOR INTERIM INJUNCTION

AFFIDAVIT


I, Muhammad Akif Khan s/o Abdul Qayyum Khan House No.344, Street No.25, Rawal
Town, Islamabad, do hereby affirm and declare on oath, at Islamabad, on this 27th day
of March 2014 that contents of the accompanying application are true and correct to
the best of my knowledge and belief.

M. Akif Khan

Deponent

Further affirmed on oath that contents of this affidavit are true and correct to the best
of my knowledge and belief and nothing material has been concealed or withheld
therein.



Certified that the above was declared on oath
before me
By Mr. *Rashid Hanif*
Identified by *Rashid Hanif*
on *27/3/14*

Muhammad Sidique Qazi
Oath Commissioner
Islamabad High Court, Islamabad

M. Akif Khan

Deponent