

Presented on

04/07/2022

ADDL REGISTRAR IOS
94. 10/45, A-07

IN THE HIGH COURT OF SINDH AT KARACHI

(Original Civil Jurisdiction)

Arbitration Suit No. 992 of 2022

1

1. Volka Food International Limited

Through its authorized representative Mr. Syed Muhammad Wasi Rizvi
Having its office at 3 KM, Bahawalpur Bypass,
Bahawalpur Road, Multan Cantt,
Mumtazabad Town, Saddar
Multan

1939

PLAINTIFF

VERSUS

1. Lucky Exim (Private) Limited,

Having its office at 7-A, Muhammad Ali Housing Society,
AAziz Hashim Tabba Street,
Karachi 75350, through CEO.

2. Pakistan International Bulk Terminal Limited

Having its office at 2nd Floor,
Business Plaza, Mumtaz Hassan Road,
Karachi 74000

3. Global Commodities Limited

Having its office at 4106, AA1 Building,
Mazaya Business Avenue, Jumeirah Lake Towers,
P.O. Box 214745, Dubai,
United Arab Emirates, through Secretary.



DEFENDANTS

ARBITRATION SUIT UNDER SECTION 20 OF THE ARBITRATION ACT,

1940

1107

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 992 of 2022

Date

Order with Signature(s) of Judge(s)

1. For order on CMA No. 10300/2022 (Urgency Application)
2. For order on CMA No. 10301/2022 (u/s 41 of Arbitration Act)

01.07.2022

M/s. Muhammad Ahmed Masood, Mirza Moiz Baig and Naveed Wasti,
 Advocate for plaintiff.

1. Urgency granted.
2. This is a suit filed under Section 20 of the Arbitration Act 1940. Learned counsel submits that the parties bound each other through an agreement dated 16.11.2021 for sale and purchase of 3300 metric tons of bituminous coal. Counsel contends that in terms of the said agreement, the plaintiff has paid full and final consideration in advance but the defendant No.1 has only supplied 1672 metric tons of bituminous coal and full delivery was to be effected till December 2021. Counsel submits that the defendant has now promised to release the remaining 1628 metric tons of bituminous coal from its latest import vide IGM No.486 through vessel Maro Maro. Counsel submits that because of fluctuation of price of bituminous coal internationally, the defendant is trying to sell the remaining bituminous coal to third parties on the prevailing higher prices.

Issue notice to the defendants for 25.07.2022. In the meanwhile, the defendant No.1 and 2 are restrained from releasing 1628 metric tons bituminous coal to any party other than the plaintiff, Nazir or his nominee is appointed to take such quantity of bituminous coal in his custody and store the same under his seal at any suitable warehouse at the cost of the plaintiff for the intervening period.



Sd/- Zulfiqar Ahmad Khan
 Judge