

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

Civil Misc No. 72/2018

In

CPLA NO. 43/2018.

Federal Board of Revenue through its Chairman & others.

Petitioners.

Versus

Importers & Exporters Association Gilgit-Baltistan through

Muhammad Ismail and others.

Respondents.

PRESENT: -

Mr. Latif Shah advocate for the petitioners.

Date of hearing:-13.07.2018.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... This petition has arisen out of the impugned order dated 29.05.2018 in Writ Petition NO. 73/2018 passed by the learned Chief Court whereby the Status Quo was ordered to be maintained by the respective parties. The petitioners being aggrieved by and dissatisfied with the said interim order filed this petition.

2. Briefly, the facts of the case are that the respondents filed a Writ Petition No. 73/2018 in the learned Chief Court with the contentions that the petitioners be restrained from introducing Web Based Online Customs Goods Clearance till the enforcement and settlement of Tax law in Gilgit-Baltistan. During the pendency of the said Writ Petition it was directed by the learned Chief Court to maintain the status quo, hence, this petition for leave to appeal.

3. The learned counsel for the petitioners contends that petitioners have already installed fully equipped web Based Online Custom (WeBOC) system at Sost Dry Port by spending huge amount which is fully operational. He also submits that although the impugned order passed by the learned Chief Court is an interim order yet the learned Chief Court fell in error by granting status quo which is not sustainable and liable to be set aside.

4. We have heard the learned counsel for the petitioners, perused the material on record and gone through the impugned order passed by the learned Chief Court. Admittedly, the impugned order is an interim order which may have not been challenged in this Court. The granting of Status Quo means that the prevailing position be maintained till then. Admittedly, no restraining order has been passed against the petitioners by the learned Chief Court. In this regard, we are fortified by the judgments of Indian Jurisdiction reported as AIR 1988 SC 127, AIR 1978 Gauhati 18 and AIR 2001 Karnataka 395 regarding granting of Status Quo.

In AIR 1988 SC 127 the Hon'ble Supreme Court of India was pleased to observe that the expression "Status Quo" is undoubtedly a term of ambiguity and at times gives rise to doubt and difficulty. According to the ordinary legal connotation, the term Status Quo applies the existing status of things at any given point of time.

In AIR 1978 Gauhati 18, the Hon'ble Court was pleased to hold that 'to maintain the Status Quo of the suit premises' does not include any act relating to such premises. It only imposes restriction on making any physical change in the premises such as demolition and alteration. Therefore, issuing lawyer's notice requiring tenants of the premises to pay rents and termination of tenancy was not disobedience of order granting Injunction. Even so, injunction restraining "entering and interfering in peaceful possession of the plaintiff".

In AIR 2001 Karnataka 395, the Hon'ble Court held that the order of Status Quo should clarify the conditions in context of which or subject to which Status Quo is ordered. The Court while making the Order to maintain the Status Quo, should endeavor to clarify the condition in the context of which or subject to which such directions are issued, as the word Status Quo takes contextual meaning and may give room for several difficult interpretations. An order of Status Quo is specie of interim orders, when granted indiscriminately and without qualifications or condition, leads to ambiguity, leads to difficulties and injustice. If Court wants to give interim relief, they should endeavor to give specific injunctive relief. If grant of order of Status Quo is found to be the only appropriate relief, then courts should indicate the nature of Status Quo that is whether the Status Quo is in regard to possession, title, nature of property or some other aspect. Merely,

saying 'Status Quo' or 'Status Quo' to be maintained' should be avoided.

5. In pursuance of the above observations of the higher court of Indian jurisdiction, Status Quo means the things at the time of grant of Status Quo must remain or exist as it is by avoiding any change or alteration etc.

6. Since the impugned order is an interim one and the Writ Petition filed by the respondent is still pending adjudication in the learned Chief Court, we, therefore, do not want to interfere into it. We, however, in the interest of justice direct the learned Chief Court to dispose off the Writ Petition No. 73/2018 filed by the respondents in its own merits in accordance with law within a period of fifteen (15) days. The Registrar of the learned Chief Court is required to place this order before the learned Chief Judge, Chief Court for constituting a Bench to hear and decide the said Writ Petition within the stipulated time.

7. In view of the above discussions, this petition is disposed off and the case is remanded to the learned Chief Court for its disposal in accordance with law.

8. This petition is disposed off in above terms.

Chief Judge.

Judge.