



## Crescent Jute Products Limited

1st Floor, 65-XX, Khayaban-e-Iqbal Road, Phase - III, DHA,  
Lahore - 54792, Pakistan. Tel : + 92 42 37186438-9

ACS/ 893

April 14, 2022

Hafiz Maqsood Munshi Sb,  
Senior Manager,  
Listed Companies Compliance Department-RAD,  
Stock Exchange Building,  
Stock Exchange Road,

**Karachi.**

UAN: 111-001-122

Subject: PROGRESS REPORT

Dear Sir,

We refer your letter no. PSX C-202-729 dated April 11, 2022 on the above-mentioned subject. We wish to inform you that the following.

- Copy of the Inter Court Appeal (IAC) filed by us in the Lahore High Court is attached as annex A pages from 1 to 7.
- Our future plan is now based on the obtainability of funds from the sponsors director, for which they are trying and if available then the future business plan with the available funds be put up to the BOD for approval.

We may add here that the trading of shares of our company was suspended from December 18, 2017, therefore no question of price sensitive information is required in the subject matter.

Thanking you,

For CRESCENT JUTE PRODUCTS LIMITED

CHIEF FINANCIAL OFFICER

*Encl: as above*

*18/4/22*

Annex - A  
For Private Use

Form No: HCJD/C-121

Examiner  
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Lahore High Court, Lahore

**ORDER SHEET**  
**IN THE LAHORE HIGH COURT, LAHORE**  
**JUDICIAL DEPARTMENT**

Case No: ICA-3133/2022

Crescent Jute Products Ltd. vs. Federation of Pakistan etc.

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

19.1.2022

Mr. Shan Saeed Ghumman, Advocate for the appellant.  
Mr. Adnan Ahmad Chaudhry, Assistant Attorney General.

Learned counsel for the appellant has submitted that the appellant has alternate remedy of appeal as observed by the learned Single Judge with regards to Section 485 of the Companies Ordinance, 1984, while also drawing our attention to the Companies Act, 2017 which was promulgated on 31<sup>st</sup> May, 2017 in which no remedy of appeal lies.

2. On this sole point, we would like to hear the other side. Issue notice to the respondents for 28.3.2022.

CM-1/2022

3. Notice for the said date. Subject to notice, the operation of the impugned order shall remain suspended, till the next date.

CM-2/2022

4. Dispensation sought for is allowed subject to all just and legal exceptions.

True Copy  
In Case No. ICA-3133/2022  
Examiner: MASUD ABID NAQVI  
Lahore High Court

(MASUD ABID NAQVI)  
JUDGE

(SHAHID BILAL HASSAN)  
JUDGE

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Authorized Under Article 67 of  
Qanun-e-Shahadat Order

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IN THE HONORABLE LAHORE HIGH COURT, LAHORE

CM No. 1 / 2022

Intra Court Appeal. 3133 / 2022

In

Writ Petition No. 225428/2018

Crescent Jute Products Limited Vs. Federation of Pakistan and Others

APPLICATION UNDER ORDER XXXIX RULE 1, 2 OF THE CODE OF  
CIVIL PROCEDURE, 1908, FOR GRANT OF INTERIM RELIEF

Respectfully Sheweth:-

1. That the Appellant has filed the above-titled Intra Court Appeal against the illegal Impugned Judgement dated 26.10.2021. The titled ICA has not yet been fixed for hearing. The contents of the ICA may kindly be read as an integral part of this Application.
2. That the Appellant has a good *prima facie* case, and the Appellant is likely to succeed per averments/grounds contained in the ICA, which may be read as an integral part of this Application.
3. That the balance of convenience and administration of justice favor consideration and requires an answer to the averments/grounds of the ICA.
4. That, during the pendency of the titled ICA, the operation, and proceedings pursuant to the order dated 17.03.2017 may kindly be suspended, otherwise, the Appellant Company shall suffer irreparable loss.

PRAYER

It is, therefore, most respectfully prayed that the instant stay Application may kindly be accepted, and the operation of order dated 17.03.2017 may kindly be suspended till the final decision of titled ICA.

Any other relief deemed fit by the honorable Court in the circumstances of the case may also be granted.

FIVE RUPEES

ATTESTED

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Through:

with ml  
APPLICANT

Saad Rasool  
SAAD RASOOL

(LLM Harvard)

Advocate High Court

PAKISTAN  
COURT



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IN THE HONORABLE LAHORE HIGH COURT, LAHORE

Intra Court Appeal. 3133 / 2022  
In  
Writ Petition No. 225428/2018

**For Private Use**  
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Lahore High Court, Lahore

Crescent Jute Products Limited through its Chief Executive Officer, having its registered office at 1<sup>st</sup> Floor, 65 - XX, Khayaban - e - Iqbal Road, Phase III, DHA, Lahore.

...APPELLANT

Versus

1. Federation of Pakistan through Secretary Ministry of Law, Justice and Parliamentary Affairs, 3<sup>rd</sup> Floor, R & S Block, Pak Secretariat, Islamabad.
2. Ministry of Law, Justice and Parliamentary Affairs through Secretary, 3<sup>rd</sup> Floor, R & S Block, Pak Secretariat, Islamabad.
3. Executive Director, Corporate Supervision Department (Company Law Division), Securities and Exchange Commission of Pakistan (SECP), Islamabad.
4. Appellate Bench, Securities and Exchange Commission of Pakistan (SECP), Islamabad.
5. Registrar, Company Registration Office, Lahore.

...RESPONDENTS

INTRA COURT APPEAL UNDER SECTION 3 (2) OF LAW REFORMS  
ORDINANCE, 1972, AGAINST THE JUDGEMENT DATED 26.10.2021,  
PASSED IN WRIT PETITION NO. 225428 OF 2021

Respectfully Sheweth:

1. That the intra court appeal (hereinafter the "Appeal") is being filed against the Judgement dated 26.10.2021 (hereinafter referred to as the "Impugned

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Judgment", copy of which is attached herewith as Annexure A) passed by the learned Single Judge in Chambers of this honorable Court.

2. That, brief facts are that the Registrar (Companies) sought the sanction of SECP, under Section 309 (b) read with 305 (c) of the Companies Ordinance, 1984 (hereinafter the "Companies Ordinance"), to file a winding up petition against the Appellant Company on the ground that it has suspended its business for a period of one year.
3. That, as such, the Executive Director, SECP issued show cause notice dated 09.01.2017 to the Appellant Company, which lead to the issuance of order dated 17.03.2017 (Page 15-20 of Petition), whereby sanction was granted to the Registrar (Companies) to file the winding up petition.
4. That, aggrieved of the same, the Appellant Company filed an appeal under Section 33 of SECP Act, before the Appellate Bench of SECP, which was dismissed vide order dated 17.05.2017 (Page 21-24 of Petition), on the ground that appeal against a sanction is not maintainable under Section 33 (c) of SECP Act (Page 48 of Petition).
5. That, resultantly, the Appellant Company filed an appeal under Section 34 of SECP Act, before this honorable Court. Importantly, keeping in view the bar to file an appeal under Section 33 (c) of SECP Act, this honorable Court allowed the Appellant Company to withdraw the Appeal *"to file a Constitutional petition in order to lay challenge to the original order passed by the Commissioner"*, vide order dated 29.03.2018 (Page 95 of Petition).
6. That, consequently, the Appellant Company filed the titled Writ Petition. Even though the Companies Ordinance was not alive on the date of filing of titled Petition, the Impugned Judgement held that the titled Petition is not

**ATTESTED**  
Examiner  
Section  
Corporate Governance

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maintainable in view of alternate remedy of appeal provided under Section 485 of the Companies Ordinance.

7. That, in view of the above, the instant appeal challenges the Impugned Judgement on the following grounds:

GROUND

- A. That the Companies Ordinance was repealed by the Companies Act, on 31<sup>st</sup> May 2017 (Copy of relevant pages attached as Annexure B). Hence, alternate remedy of appeal under Section 485 of Companies Ordinance was not available on 16.07.2018 /date of filing of Writ Petition. On this ground alone, the Impugned Judgement is liable to be set aside and the matter is liable to be remanded for decision afresh on merits.
- B. That, Article 199 of the Constitution stipulates that the constitutional jurisdiction can be exercised by the High Court if it is "*satisfied that no other adequate remedy is provided by law*". The law in vogue on the date of filing of titled constitutional Petition i.e. Companies Act did not provide for any remedy of filing of appeal against the order dated 17.03.2017, whereby sanction was granted to present a winding up petition.
- C. That, in fact, Section 481 of the Companies Act reiterates Section 33 of SECP Act and holds that an appeal against a sanction to file a winding up petition is not maintainable.
- D. That, even otherwise, Section 45 of SECP Act expressly provides that the provisions of SECP Act "*shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force*". As such, without prejudice, when Section 33 (c) of SECP Act expressly bars filing of an appeal against a

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sanction to file a winding up petition than no other law can provide for a remedy of appeal against such order.

E. That, against the sanction accorded to the Registrar (Companies) vide order dated 17.03.2017, appeal of M/s Crescent Jute was dismissed on the ground that Section 33 (c) of SECP Act prohibits filing of appeal against "*a sanction provided, or decision made by a Commissioner*". As SECP Act specifically barred the filing of appeal against a sanction accorded by the Commission, the Appellant had no alternate remedy other than to approach the constitutional jurisdiction of this Court.

F. That, realizing the same, this honorable Court allowed the Appellant Company to withdraw the appeal under Section 34 of SECP Act "*to file a constitutional petition in order to lay a challenge to the original order passed by the Commission*" vide order dated 29.03.2018. As such, the Impugned Order is liable to be set aside.

G. That, lastly, the Appellant Company was established in the year 1964. It has recently faced setbacks in its principal line of business. That does not mean that the Appellant Company should be wound up. No creditor or shareholder has approached the Court for this purpose. The recent financial statements of the Company evidence re payment of loans to financial institutions, not to mention investments are being made by the principal shareholders and other parties to restructure the business. The shareholders intend to revive the Appellant Company, and for the said purpose intense efforts are being made. In terms of the law in vogue i.e. Companies Act (as opposed to archaic Companies Ordinance) the Companies Registrar has been stripped of the authority to file a winding up petition if a company suspends its business for a whole year, not to mention that this amounts to an unreasonable restriction on the Appellant Company / shareholders fundamental right to business as enshrined under Article 18 of the Constitution.

ATTESTED



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H. That the Petitioner reserves the right/seeks permission of this honorable Court to raise further ground during the arguments before this honorable Court.

PRAYER

In light of the above, it is prayed that the Impugned Judgement dated 26.10.2021 may kindly be set aside, and while allowing the titled Petition, the Impugned Order dated 17.03.2017, whereby sanction was accorded by SECP to the Registrar Companies, to present a winding up petition, may kindly be set aside.

In the meanwhile, the operation of the order dated 17.03.2017 may kindly be suspended till the final adjudication of this Intra Court Appeal. Any other relief, that this honorable court deems fit and necessary, in the interest of justice, may also be granted.

*unsub. but*  
APPELLANT(S)

Through

*Saad Rasool*  
SAAD RASOOL  
(LL.M Harvard)  
Advocate High Court  
CC No. PLH - 42788



*Syed Ahmad Ashraf*  
SYED AHMAD ASHRAF  
B.A (GC Lahore)  
LL. B (PU)  
Advocate High Court

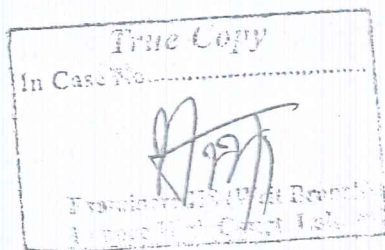
*Shan Saeed Ghuman*  
SHAN SAEED GHUMMAN  
(LL. B Honors Portsmouth)  
Advocate High Court

*Muhammad Waseem A Rana*  
MUHAMMAD WASEEM A RANA  
(LL. B Honors Punjab)  
Advocate High Court

CERTIFIED:

Per instruction this is the first Intra Court Appeal against the Impugned Judgement dated 26.10.2021, filed by the Appellant Company.

*Saad Rasool*  
ADVOCATE



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Authorized Under Article 87 of  
Qanun-e-Shahadat Order  
24/11