

Form No.HC.JD/C-121
ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

W.P. No.12086 of 2021

Performance Automotive Pvt. Ltd. **Versus** Porsche Middle East, etc.

Sr. 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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14.06.2021 Messrs Samia Khalid, ASC, Muhammad Hamza, Subeh Nasib and Shahrukh Shaikh, Advocates for the Petitioner.
Mr. Osman Khan, Advocate for the Respondents.
Mr. Jahanzeb Sukhera and Barrister Mehek Zafar Advocates on Court's call.

Pursuant to the order dated 20.05.2021, learned counsel for the Respondents placed on record copy of letter dated 13.06.2021, issued by the Clyde & Co. LLP confirming the status regarding pendency of Arbitration Proceedings before the Dubai International Financial Centre (the "DIFC") by mentioning that:

4. *In the light of the said Honourable Court, we hereby confirmed on behalf Aof PME that as at the date of issuing this letter:*
- (a) *the Arbitration Proceedings were initiated by PAL on 20 June 2020 and are still ongoing;*
 - (b) *PAL has not sought any interim orders in its favour from the Arbitration Tribunal and no interim orders of any nature have been issued by the Tribunal in favour of either or the parties;*
 - (c) *the next stage of the Arbitration Proceedings requires the parties to exchange expert reports on 15 June 2021 and reply expert reports on 27 July 2021;*
 - (d) *the merits hearing in the Arbitration Proceedings is fixed to take place between 11-14 October 2021 and no other hearing have been held thus far;*
 - (e) *it is expected that a final award will be issued by the Tribunal after the merits hearing in October, 2021.*

He further states that the Respondents have submitted their detail reply on 21.04.2021 in the Office but the same is not on file. **Office is directed to place the same on the record.**

2. Ms. Samia Khalid, ASC relied on the recent judgment of this Court cited as “M.C.R. (Pvt) Ltd, franchisee of Pizza Hut v. Multan Development Authority and others” (2021-CLD-639) wherein it has been held that:

“29. Since the Pizza Hut is an international chain and entered into lease agreement with WASA, it is the duty of the Courts in Pakistan to see the rights of the parties and to protect their interest in order to build confidence of investors in Pakistan but at the same time the interest of government functionaries has also to be examined regarding financial interest of the Government”

However, she seeks some more time to further prepare the brief as Barrister Haroon Dugal, Advocate learned principal counsel for the Petitioner is statedly not available.

3. Learned counsel for the Respondents placed reliance on the judgment of this Court cited as “Nazir Ahmad and others v. Additional District Judge and others” (PLD 2021 Lahore 398), which deals with the objective of the Arbitration.

4. Mr. Jahanzeb Sukhera and Barrister Mehek Zafar Advocates specializing in Corporate, Commercial and Arbitration matters, are appointed as *Amicus Curiae* to assist the Court in this matter on the next date.

5. Re-list on 17.06.2021 for framing of Constitutional moot points and nub of the matter. Learned counsel for Parties shall file their written arguments on or before the said date.

**(JAWAD HASSAN)
JUDGE**