



Securities and Exchange Commission of Pakistan  
*Enforcement and Monitoring Division*

[Islamabad]

*Before Rashid Sadiq, Executive Director*

*In the matter of*

**M/S Tri Star Power Limited**

(Under Sub-section (3) of section 245 of the  
Companies Ordinance, 1984)

Number and date of notice	EMD/233/416/2002-4204-10 dated: May 22, 2002
Date of final hearing	April 22, 2003
Present	No one appeared
Date of Order	May 13, 2003

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This Order shall dispose of the proceedings initiated against the Chief Executive and directors of M/S Tri Star Power Company Limited (hereinafter referred to as the “Company”) for failure to prepare, transmit and file the half yearly accounts for the period ended December 31, 2000 and 2001.

### Jurisdiction

2. The Commission brings this action pursuant to the provisions of Sub-Section (3) of Section 245 of the Ordinance read with Section 476 of the Ordinance. The powers under the aforesaid provisions have been delegated to the undersigned through S.R.O. No. 386(1)/2002 dated June 18, 2002.

### Background Facts

3. The facts relevant for the disposal of this case, briefly stated, are that the Company is a listed Company and its financial year starts on July 01 and ends



on June 30. As per requirements of Sub-section (1) of Section 245 of the Companies Ordinance, 1984, the Company was required to prepare and transmit within two months of close of the first half of its year of account, which is December 31, a profit and loss account for and balance sheet (the “half yearly accounts”) as at the end of that half year to the members, stock exchange on which its shares are listed and as per Sub-section (2) of Section 245 it was required to file its half yearly accounts with the Registrar and the Commission simultaneously with the transmission thereof to the members and stock exchanges. The failure of the Company to comply with the aforesaid mandatory requirements necessitated action as provided under the Ordinance.

### Show Cause Notices

4. A show cause notice No. EMD/233/416/2002-4204-10 dated May 22, 2002 was issued to the directors including the Chief Executive of the Company calling upon them to show cause as to why penalties as provided under Sub-section (3) of Section 245 may not be imposed upon them for default in complying with the requirements of Section 245 of the Ordinance.

### Reply to Show Cause Notice

5. No response was received from the directors and Chief Executive of the Company to the aforesaid show cause notice. In order to give an opportunity for personal hearing, the case was fixed on April 22, 2003 on which date no one appeared to argue the case. In the circumstances, I proceed to decide the case on the basis of the facts and information as per record.



## Conclusion

6. The history of the Company with regard to compliance of this statutory requirement is dismal and the Chief Executive of the Company has been penalized for default under Section 245 for the previous three successive periods ending on December 31, 1996, 1997 and 1998. The recurring defaults despite imposition of fines in this regard make it evidently clear that the Chief Executive have deliberately violated the provisions of Section 245 of the Ordinance. Keeping in view that the Chief Executive and directors of the Company have neither filed any written reply nor appeared before me, I am constrained to believe that the Chief Executive of the company has willfully and deliberately committed the default in preparation, circulation and filing of half yearly accounts, which is established from the record.

## Order

7. For the foregoing, I, hereby, impose a fine of Rs 10,000/- (Rupees ten thousand only) each on the Chief Executive and directors of the Company namely,

- i) Mr. M. Ahmed Ismail
- ii) Mr. Habib Jamal
- iii) Mr. Asad Ahmed
- iv) Mrs. Farnaz Ahmed
- v) Mr. Rashid Ahmed
- vi) Mr. Tahir Ahmed
- vii) Mrs. Aliya Ahmed

for default under Clause (a) of Sub-section (1) of Section 245 of the Ordinance. They are directed to deposit the fine aggregating to Rs. 70,000/- (Seventy



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thousand only) in the bank account of the Commission within 30 days of the receipt of this order and submit a copy of the receipted challan to the Commission.

***RASHID SADIQ***

Executive Director (Enforcement and Monitoring)

*Announced*

*May 13, 2003*

*ISLAMABAD*