

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C. P. NO. D-4973 / 2025**

Date	Order with signature of Judge
------	-------------------------------

**PRIORITY**

- 1) For hearing of CMA No. 20796/2025.
- 2) For hearing of main case.

**21.10.2025.**

Mr. Rana Sakhawat Ali, Advocate for Petitioner.  
Ms. Rabia Khalid, Assistant Attorney General.  
M/s. Sardar Zafar Hussain & Z. M. Siddiqui,  
Advocates for Respondent.

\_\_\_\_\_

Pursuant to issuance of notice, Mr. Sardar Zafar Husain has filed Vakalatnama on behalf of concerned Collectorate which is taken on record.

The Petitioner entered G.D. No. KAPW-IB-184496-14-05-2025 under section 79 of the Customs Act, 1969 [Act] for warehousing imported goods declared as “*Polyester Knitted Pile Fabric*”. Upon examination of the goods under section 80 of the Act, a contravention of the Act was detected by the Customs, leading to Order-in-Original, dated 07-07-2025, whereby the Petitioner was held liable for mis-declaration and the goods were ordered to be confiscated *albeit* the Petitioner was given the option under section 181 of the Act to pay fine in lieu of confiscation. Against this order, the Petitioner has preferred Customs Appeal No. K-955/2025 before the Customs Appellate Tribunal.

Before us, the grievance of the Petitioner is that while said appeal is pending before the Customs Appellate Tribunal, the Collector of Customs has withheld orders on the Petitioner’s application under section 84 of the Act for moving the goods to a bonded warehouse, and as a result the Petitioner is incurring demurrage charges day-to-day. On the other hand, counsel for the Customs submits that since orders for confiscating the goods have not been

suspended by the Tribunal, the goods cannot be moved into bond until the Petitioner redeems the goods by paying duty, taxes, fine and penalty determined as per the Orders-in-Original.

Heard learned counsel. While the order of confiscation of subject goods is in appeal, counsel for the Customs has not cited any provision of the Act that requires the importer to pay the fine in lieu of confiscation of goods (under section 181 of the Act) before moving the goods to a bonded warehouse pursuant to section 84 of the Act. Rather, section 104 of the Act suggests that all charges payable in respect of goods can be paid within the time fixed for warehousing by section 98 of the Act. Needless to state that moving the goods to a bonded warehouse would not amount to delivery to the Petitioner, rather it is intended to mitigate demurrage charges being incurred by the Petitioner at the port.

In view of the foregoing, we dispose of this petition by directing the Respondents 2 to process forthwith the Petitioner's application under section 84 of the Act for moving the subject goods (mentioned first above) into bond in line with section 86 of the Act.

**J U D G E**

**J U D G E**

Arshad/