

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 1971 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of CMA No.5634/2023
- 2. For hearing of main case
- 3. For hearing of CMA No.5635/2023

22.10.2025

Mr. Zafar Hussain, advocate for the applicant alongwith
Mr. Muhammad Siddiq, advocate

Bailiff report demonstrates service has been effected upon the respondent.

On 08.10.2025 following order was passed:-

“Per learned counsel the impugned judgment is not a speaking order and it has failed to appreciate or deliberate the issues before the court. He further states that it also offends the judgment of the Supreme Court in the case of *Additional Collector of Customs, MCC vs. K.S. Sulemanji Esmailji and Sons* reported as 2025 PTD 260; whereby, reference to the Classification Committee ought to have been considered.”

Per learned counsel, identical cases have been decided by earlier Divisional Bench judgments of this Court, including order dated 21.10.2025 in SCRA 1333/2023, which is reproduced herein below:-

“Per learned counsel, the impugned judgment cannot be termed as a speaking order as it does not independently discuss or deliberate any of the issues there before. Learned Counsel states that dealing with the lis, the Tribunal has rendered the judgment in a perfunctory manner and the same is not befitting the last fact-finding forum in the statutory hierarchy.

The Appellate Tribunal is the last fact finding forum in the statutory hierarchy, therefore, it is incumbent to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed has been emphasized by the Supreme Court in the judgment reported as 2019 SCMR 1626. This High Court has consistently maintained that the Appellate Tribunal is required to proffer independent reasons and findings, and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on the judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgments have also maintained that if the impugned order is discrepant in the manner as aforesaid, the correct course is to remand the matter for adjudication afresh. Reliance is placed on the judgment dated 10.12.2024 in ITRA 343 of 2024.

We are of the considered view that the impugned judgment could not be considered to be a speaking order and is prima facie devoid of relevant discussion and deliberation. The entire judgment is crowned with a dissonant

conclusion. Therefore, no case is set forth to sustain the impugned judgment and the same is hereby set aside; the matter is remanded back to the Appellate Tribunal for adjudication afresh per the law.

A copy of this decision may also be sent under the seal of this Court and signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.”

Learned counsel states that this reference application may be disposed of for the same reasons and for the same terms. Order accordingly.

A copy of this decision may also be sent under the seal of this Court and signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

B-K Soomro