

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 297 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of CMA No.1720/2022
- 2. For hearing of CMA No.1721/2022
- 3. For hearing of main case
- 4. For hearing of CMA No.1722/2022

**06.11.2025**

Mr. Muhammad Khalil Dogar, advocate for the applicant

Learned counsel for the applicant states that service has been effected upon the respondent by usual modes of service including publication.

Learned counsel contended that the impugned judgment is devoid of any independent reasoning, deliberation and / or discussion, which cannot be considered to be a speaking order, as it fails to independently address or deliberate upon the issues presented. Counsel added that, in adjudicating the *lis*, the Tribunal has delivered the judgment in a perfunctory manner, which 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 upon it 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 any independent

reasoning etc. The entire judgment is crowned with a dissonant conclusion. Hence, no case is set forth to sustain the impugned judgment, which is hereby *set aside* and the matter is remanded back to the Appellate Tribunal for adjudication afresh in accordance with 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.

Judge

Judge

B-K Soomro