

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 362 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection 26.
- 2. For hearing of CMA 1389/2020.
- 3. For hearing of Main Case.
- 4. For hearing of CMA 1390/2020.

01.12.2025

Mr. Khalid Mehmood Rajpar, advocate for the applicant.

Per learned counsel the impugned order is absent of any independent discussion or deliberation on the merits of the case. It is submitted that while a detailed deliberation on the law and evidence was undertaken vide the adjudicating order, same has been disregarded entirely in the impugned order and there is no appreciation of the same whatsoever. Learned counsel states that the impugned order has been rendered in a perfunctory manner comprises entirely of reproduction followed by the disconnected conclusion.

Per learned counsel service has been effected through publication and the relevant newspaper etc. is available on file to demonstrate the same. Learned counsel states that identical matters have already been remanded back to the learned Tribunal by the Supreme Court the case reported as 2023 SCMR 1325.

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 comprises essentially of reproduction and 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 the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

M. Khan