

IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application No.08 of 2020

Date	Order with Signature of Judge
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Hearing of case (priority)

1. For order on office objection
2. For hearing of main case
3. For hearing of CMA No.170/2020

07.04.2026

Mr. Khalid Mehmood Rajpar, Advocate for the applicant

Learned counsel states that this matter is pending since 2020 and the respondent is continuously avoiding appearing in this matter, hence, orders were passed for substituted service. He places relevant newspaper excerpt on record to demonstrate that service has been effected through publication.

Learned counsel states that identical matters have been disposed of vide order dated 10.12.2025 passed in SCRA Nos.07 and 09 of 2020 which is reproduced herein below:

“Per learned counsel seventeen independent appeals have been determined vide a common judgment. He states that while the facts and circumstances of each appeal are distinct, however, the impugned judgment has been rendered without independent appreciation of facts and circumstances.

Learned counsel states that service has been effected through publication and relevant newspaper has been placed on record.

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 1726. 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 signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969 Office is instructed to place copy of this order in connected matter.”

He states that for the reasons as aforesaid this reference may also be disposed of on the same terms. Order accordingly.

A copy of this decision may 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

Asif