

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 123 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For hearing of main case.
- 2. For hearing of CMA No.586/2020.

30.01.2026

Mr. Khalid Mahmood Rajpar, advocate for the applicant.

Learned counsel proposed following questions for determination:

- 1. Whether learned Customs Appellate Tribunal, has consider while deciding appeal under section 194-A of the Customs Act, 1969 read with section 5 of Limitation Act that the respondent approx. (04) four years filed appeal before the Custom Appellate Tribunal under section 194-A of the Customs Act, 1969?
- 2. Whether on the facts and circumstances of the case and considering the mandatory conditions of the SRO 1125(I)/2011, the learned Appellate Tribunal has erred in law to extend the exemption to a manufacturer who is related to the five (05) specified sectors?
- 3. Whether less payment of revenue to the Exchequer, through self-assessment in terms of section 79(1) read with section 32(1)(c) of the Act, untrue / mis-statement in terms of section 32 of the Act read with judgment in the case of Gulistan Textile v. Collector of Customs & Others reported in 2019 PTD 353?

Learned counsel states that the reference application is pending since 2020 and the respondent has been constantly abjured appearance before this court either to assist the adjudication. He states that pursuant to order for substituted service, service has been made through publication and the relevant newspaper cutting excerpts are placed on record.

Learned counsel states that limitation is a crucial issue for any forum to decide and the same has been decided at the very onset. He states that the issue of limitation has been rushed aside by the Appellate Tribunal in a manner inconsistent with law. He states that even otherwise the contention of the department is bolstered by the judgment of the Supreme Court in Nestle case reported as 2025 SCMR 1974

Learned counsel for the applicant demonstrates from the impugned judgment that crucial aspect of limitation has not been addressed in proper perspective and even otherwise the learned Tribunal has not been perhaps assisted with settled law so as to arrive at the lawful conclusion. Learned counsel states that it would be in the interest of justice and revenue for the impugned judgment to be asset aside and the matter be remanded back to the Appellate Tribunal for adjudication afresh in accordance with law. 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

Khuhro/PS