

ORDER SHEET

IN THE HIGH COURT OF SINDH, AT KARACHI

Suit No.1474 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of CMA No.9245/17 (U/O 39 Rule 1 & 2)

19.06.2017

Mr. Muhammad Anas Makhdoom and Ahmed Farhaj,
Advocates for Plaintiff.
Mr. Masood Hussain Khan, Assistant Attorney General.

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Today, Ms. Fozia Rasheed has filed Vakalatnama of Mr. Sohail Muzaffar, Advocate for Additional Collector of Customs Model Customs Collectorate, Port Muhammad Bin Qasim.

Learned Counsel has filed this application with the request that direction be issued to the Defendant to forthwith release the Plaintiff's natural gas power generating units. It is further stated that the Plaintiff is willing to furnish appropriate security for the disputed amount. In support of his contention, learned Counsel has placed on record a copy of Order dated 20.04.2017 passed in Suit No.826/2017, in which under the similar circumstances, the consignment was released subject to furnishing bank guarantee to the satisfaction of the concerned Collectorate with further direction that assessment order may be passed within two weeks after providing ample opportunity to the plaintiff and/or their representative. In case the adverse order is passed, the Plaintiff may file appeal to the Collectorate (Appeals) in accordance with law. However, bank guarantee may not be encashed till such time the Collectorate (Appeals) decides the appeal of the plaintiff.

Since similar order has already been passed in Suit No.826/2017, let assessment order may be passed but in the meanwhile the bank guarantee may be furnished to the satisfaction of the concerned Collectorate of the disputed amount of sales tax, thereafter, the consignment may be released. However, if any assessment order is passed against the plaintiff, they may file appeal to the concerned Collectorate (Appeals). Till the decision of the appeal, the bank guarantee may not be encashed by the concerned department.

By consent the suit is disposed of along with pending application in the above terms.

JUDGE

Ayaz