

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-1603 of 2018

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**  
**Mr. Justice Agha Faisal.**

M/s. Enercon International .....Petitioner

Versus

Federation of Pakistan & others.....Respondents

**Date of hearing 27.02.2019**

Mr. Nazir Ahmed Abbasi advocate for the petitioner.

Mr. Zafarullah Bhutto advocate holding brief for Mr. Khalid Rajpar advocate for the Tax Department.

Mr. Ishrat Alvi, Assistant Attorney General.

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**Muhammad Ali Mazhar, J:** The petitioner has challenged SRO No.1035(I)/2017 and sought declaration that the respondents are liable to release the consignment and they cannot take action pursuant to SRO No.1035(I)/2017 dated 16.10.2017. Learned counsel for the petitioner pointed out a judgment passed by learned Division Bench of this court in the case of Premier Systems Pvt. Ltd. vs. Federation of Pakistan (2018 PTD 361). Learned Division Bench in paragraph No. 30 of the judgment declared S.R.O. 1035(I)/2017 ultra vires to the amended section 18(3) of Customs Act, 1969 hence it was quashed by the learned Division Bench. Since the controversy is covered in the aforesaid reported judgment. Petition is disposed of accordingly.

JUDGE

JUDGE