

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

CP Nos.D-2385 of 2017 a/w

CP No.D-4861/2013, 4862/2013, 4863/2013, 4907/2013,
777/2014 & 7476/2018, C. P. D-4128/2019 & 6547/2019

Date	Order with signature of Judge
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04.10.2021.

Advocates for Petitioners

Mr. Sarfaraz Ali Metlo, Mr. Abrar Hasan & Mr. Fahad Khan

Advocates for Respondents

Mr. Muhammad Khalil Dogar

Mr. Muhammad Sarfaraz Ali Metlo

Mr. Ameer Uddin,

Mr. Muhammad Shafiq Mughal

Mr. Mansoor Ahmed Shaikh

Ms. Masooda Siraj

Mr. Manzoor Hussain

Mr. Kafeel Ahmed Abbasi, DAG a/w Mr. Hussain Bohra, Asstt. Attorney
General

Tariq Aziz, Principal Appraiser Customs

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Mr. Mansoor Ahmed Shaikh requests for de-tagging CP Nos.D-4861/2013 & 4862/2013 from the bunch of these petitions. Mr. Abrar Hasan has no objection. Order accordingly. To be taken up in the 4th week of this month.

Perhaps the questions involved in this bunch of petitions are covered by a judgment of this court passed in CP No.D-4867 of 2013 where all questions as arisen out in these petitions were also set at rest as agreed by all the counsel. The only defence today taken by Mr. Ameer Uddin that on assailing the referred judgment before Hon`ble Supreme Court the same has been suspended.

Be that as it may, we are of the view that the private terminal operators do not enjoy the powers of adjudication and these were the reasons assigned while the referred petition was disposed of. The private terminal operators are bound to follow delay detention certificate as issued by the customs officials unless the private terminal operators, in law, are equipped with powers to re-adjudicate such certificate *viz-a-viz* their demands which was not permitted in the referred judgment, hence, in the line with the referred judgment, these petitions are allowed. The respondents are directed to honour delay detention certificate in accordance with law.

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