

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Special Customs Reference Application No.38 of 2018**

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Fresh Case

1. For order on office objection No.3.
2. For order on CMA No.303/2018 (Exemption).
3. For hearing of Main Case.
4. For order on CMA No.304/2018 (stay).

**08.12.2021**

Mr. Muhammad Khalil Dogar, Advocate for the Applicant.

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We have heard learned counsel for the applicant and perused the material available on record.

It appears that on the strength of sequential method, which is required to be adopted while issuing the Valuation Ruling in terms of Section 25-A of the Customs Act, 1969, the officer concerned has not applied its mind and issued a valuation ruling by jumping directly to Section 25(9) of the Customs Act as observed by Tribunal and admitted by counsel, however, he has made an attempt to justify it. We have perused the valuation ruling available at page-57 which, too, discloses that on account of variety of invoices it was not possible for them to apply sequential method and directly jumped to fall back method. How and in what manner such was applied, it is not clarified in the valuation ruling which is apparently a violation of sequential method required to be followed under Section 25-A of the Customs Act while issuing valuation ruling. Question that came out of proceedings is whether it was justified for Collector of Customs in his own or Director of Customs valuation on a reference made to him to determine customs value to jump to later provision without meaningful avoidance of earlier provisions. The answer is in negative.

Tribunal has only remanded the case after setting aside the valuation rulings, which were issued in violation of sequential method of Section 25-A of the *ibid* Act. They were left at their choice to re-issue such ruling as required under the law. Accordingly, the Reference Application is dismissed along with pending applications.

Copy of this order be sent to Appellate Tribunal in terms of Section 196(5) of the Customs Act, 1969.

JUDGE

JUDGE

Ayaz Gul