

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-6947 / 2015

Date	Order with signature of Judge
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- 1) For hearing of CMA No. 34441/2015.
- 2) For hearing of main case.

26.11.2015.

Mr. Muhammad Khalid Hayat Advocate for the Petitioner.
Mr. Asim Mansoor Khan DAG.
Mr. Kashif Nazeer Advocate for the Respondents.

Through instant petition the petitioner has impugned seizure of 30,000 Liters of High Speed Diesel Oil and Oil Tanker bearing No TUB-164 as being without any lawful authority and jurisdiction.

Counsel for the petitioner submits that the diesel in question was purchased locally from Attock Petroleum Limited, against a proper Invoice, whereas, such purchase was also confirmed by M/s Attock Petroleum Limited, vide letter dated 19.10.2015, hence the goods in question are not smuggled and may be released to the petitioner who is even willing to deposit the amount of duty and taxes if any, as well as for the value of the oil tanker in question.

Conversely, Mr. Kashif Nazeer has filed comments on behalf of the respondents and submits that after seizure of the goods, an FIR has already been registered on 21.10.2015 whereas, a show cause notice dated 17.11.2015 has also been issued. Therefore, the petitioner may be directed to approach the concerned adjudicating authority as instant petition has become infructuous.

Be that as it may, since after registration of FIR a show cause notice has already been issued in the instant matter, we do not deem it appropriate to record any finding on the aforesaid contention of the respective parties as this requires resolving a factual controversy which cannot be undertaken in writ jurisdiction.

In the circumstances, we while disposing of instant petition, direct the petitioner to approach the concerned adjudicating authority and file its reply, whereas, the adjudicating authority shall finalize the proceedings of adjudication within a maximum period of 30 days from today, in accordance with law and after affording proper opportunity of being heard to the petitioner.

Petition stands disposed of in the above terms.

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