

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1602 of 2018

Date	Order with signature of Judge
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1. For hearing of CMA No.6852/2018
2. For hearing of main case

19.9.2024

Mr. Ali Almani, Advocate for Petitioner  
Mr. Kashif Nazeer, Asst. Attorney General  
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Sardar Zafar Hussain, Advocate files Vakalatnama  
on behalf of Respondent No.3, which is taken on record.

On the other hand, learned Counsel appearing on behalf of the Petitioner submits that the controversy as raised in this matter, whereby vires of Section 14A of the Customs Act, 1969 have been challenged, has already been decided against another petitioner / container terminal operator by a learned Division Bench of this Court in the case reported as **2020 PTD 1952 (Qasim International Container v. Federation of Pakistan)**. However, in appeal the Hon'ble Supreme Court has passed an ad interim order on 03.3.2020 in Civil Petition No.426/2020 (Qasim International Container Terminal Pakistan Limited, Karachi & others v. Federation of Pakistan & others) by directing the Petitioner to submit to the relevant customs authority a monthly statement of

account of the amount of demurrage received by them from the various parties and shall continue to do so till further orders. He submits that if this petition is dismissed then a similar order as passed by the Supreme Court may also be passed in favor of the present petitioner.

However, we are not inclined to pass any such order since an identical petition has already been dismissed by this Court, whereas the said judgment is a binding precedent for this Court. In view of the above, since the earlier Petition has already been dismissed by holding that the impugned provision is intra vires to the Constitution, instant Petition also stands dismissed for the reasons so assigned in the aforesaid reported judgment of this Court. However, our order passed today is suspended for a period of 45 days from today to enable the Petitioner to approach the Hon'ble Supreme Court for seeking an appropriate order as above.

JUDGE

JUDGE

Shakeel, PS.