

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 1477 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of Misc. No.6843/2014
2. For hearing of main case

28.01.2025

Mr. Sattar Silat, advocate for the petitioner
Mr. Iqbal Khurram, advocate for respondent
Ms. Alizeh Bashir, Assistant Attorney General

This petition impugns a direct demand notice dated 11.03.2014. It is contended by the learned counsel for the petitioner that this demand notice was issued without any adjudication and definitely without issuing of appropriate show cause notice. This assertion is confirmed by the learned counsel for respondent department. Learned counsel placed reliance on Division Bench judgment of this Court in the case of Messrs. Harris Silicones and Glass (Pvt.) Ltd. vs. Federation of Pakistan reported as **2022 PTD 1163**. Paragraph 3 whereof is reproduced herein below:

“The august Supreme Court has consistently maintained¹ that demand notices in absence of statutory show cause notices were without lawful foundation. It was observed that in the absence of the pre-requisite show cause notice no demand notice requiring payment of any alleged short levy could be issued. The superior Courts have maintained² the primacy of the show-cause notice in proceedings emanating from section 32 and have also illumined that the said instrument is required to be issued within the statutorily mandated time frame³. This we have already reiterated in somewhat identical facts⁴.

In view hereof this matter appears to be squarely covered by the aforementioned judgment, hence, the impugned demand notice is found to be unlawful, therefore, the same is set-aside. Petition is allowed as aforesaid.

Judge

Judge

Amjad

¹ Per Mian Muhammad Ajmal J. in Assistant Collector Customs and others vs. Khyber Electric Lamps and others reported as 2001 SCMR 838

² Collector of Customs (Preventive) Karachi v. PSO reported as 2011 SCMR 1279

³ Lever Brothers Pakistan Limited vs. Customs, Sales Tax and Central Excise Appellate Tribunal and another reported as 2005 PTD 2462; Union Sport Playing Cards Company v. Collector of Customs and another reported as 2002 MLD 130.

⁴ Judgment dated 16.10.2020 in C.P.No.3240-2020 (Shoe Planet (Pvt.) Ltd. v. Collector of Customs)