

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3965 / 2023

Date

Order with signature of Judge

D/O MATTER.

For hearing of Misc. No. 1333/2024.

14.03.2024.

Mr. Manzar Hussain Memon, Advocate for Petitioner.
Mr. Sardar Zafar Hussain, Advocate for Respondent No. 3.
Mr. Aamir Ali Shaikh, Advocate for Respondent.

Counsel has filed no objection to the listed application which is taken on record. By consent, application is allowed. Nazir to discharge surety along with profit if any, as per rules.

J U D G E

J U D G E

Arshad/

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3965 / 2023

Date Order with signature of Judge

PRIORITY.

- 1) For orders on office objection No. 19.
- 2) For hearing of Misc. No. 18237/2023.
- 3) For hearing of main case.

25.08.2023.

Mr. Manzar Hussain Memon, Advocate for Petitioner.
Mr. Khalid Rajpar, Advocate for Respondent No. 1 & 3.
Mr. Asif Ali, Advocate for Respondent No. 2.
Mr. Sardar Zafar Hussain, Advocate for Respondent.
Mr. Amjad Rafiq, Principal Appraiser.
Ms. Umme Kulsoom, Deputy Collector.
Dr. Zohaib, Deputy Collector.
Ms. Mahak Majid, Deputy Collector.
Mr. Muhammad Farooq Khan, Principal Appraiser.

Through this Petition, the Petitioner seeks release of its consignments as disclosed in Para 3 of the Memo of Petition. Learned Counsel for the Petitioner submits that the Petitioner has impugned a Valuation Ruling No. 1774 of 2023 dated 20.04.2023 under Section 25-D of the Customs Act, 1969. However, such Revision stands dismissed vide order dated 27.07.2023, against which an Appeal bearing Custom Appeal No. K-1212/2023 has been preferred before the Customs Appellate Tribunal and is pending. He submits that pursuant to insertion of Proviso in Section 81 of the Customs Act, 1969, in like cases neither the department is allowing any provisional release nor the Customs Appellate Tribunal is entertaining any such applications. Since the Appeal is pending and the Tribunal is also not entertaining such applications, this petition merits consideration.

In the circumstances, by way of an interim arrangement, let the disputed amount of duty and taxes be secured before the Nazir of this Court by way of Pay Order / Bank Guarantee in respect of the consignment covered by this Petition. Once the amount is secured as above, Nazir shall issue appropriate certificate, which shall be presented before the concerned Collectorate / Department, who shall release the consignment forthwith. If the amount is secured by way of Pay Order, Nazir shall invest the same in some profit bearing instrument as per rules. Nazir's fee is settled at Rs. 10,000/-.

In view of the above, this Petition stands disposed of, whereas, the fate of the amount lying with the Nazir of this Court shall be subject to final outcome of the Appeal pending before the Tribunal.

JUDGE

JUDGE

Arshad

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3965 / 2023

Date

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FRESH CASE.

- 1) For orders on Misc. No. 18235/2023.
- 2) For orders on office objection No. 19.
- 3) For orders on Misc. No. 18236/2023.
- 4) For orders on Misc. No. 18237/2023.
- 5) For hearing of main case.

21.08.2023.

Mr. Manzar Hussain Memon, Advocate for Petitioner.

- 1) Granted.
- 2) To be satisfied before the next date.
- 3) Granted subject to all exceptions.
- 4 & 5) Notice to Respondents as well as DAG for **25.08.2023**, when some responsible officer of the concerned Collectorate shall be in attendance.

J U D G E

J U D G E

Arshad/