

IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-1257 of 2025

Date

Order with signature of Judge

Present: *Mr. Justice Muhammad Junaid Ghaffar*
Mr. Justice Mohammad Abdur Rahman

Applicant:

Owner of M/s Simba Enterprises,
Through M/s. M. Saad Shafique
Siddiqui & M. Aibak Ali shah,
Advocates.

Respondent:

Federation of Pakistan & Another
Through Mr. Khalid Mehmood Rajpar,
Advocate.
Ms. Alizeh Bashir, Assistant Attorney
General.

Date of hearing:

08.04.2025.

Date of Order:

08.04.2025.

ORDER

Muhammad Junaid Ghaffar, J: Counsel has filed Vakalatnama on behalf of concerned Collectorate which is taken on record.

Through this Petition, the Petitioner has sought declaration that the Petitioner's blocking of user ID / NTN through a computer message available at Page 21 is without lawful authority and jurisdiction. Today, Respondent's Counsel has been confronted as to the blocking of the user ID of the Petitioner and in response he has referred to Letter dated 11.03.2025 issued by Respondent No. 2 requesting Collector of Customs Appraisement (East), Karachi, immediate suspension of the user ID of the Petitioner in terms of Section 155F of the Customs Act, 1969. Section 155F reads as under:-

"155F Cancellation of registration of registered user.--[*] Where at any time the Collector is satisfied that any person who is a registered user of the Customs Computerized System, has--

- (a) failed to comply with a condition of registration imposed by the Collector under sub-section (3) of section 155C of this Act; or

- (b) failed to comply with, or acted in contravention of any conditions imposed by the Collector under sub-section (3) of section 155D of this Act in relation to the use and security of the registered user's unique identifier; or
- (c) has been convicted of an offence under this Act, the Collector may cancel the registration of that person as a registered user by giving notice in writing to that person stating that the registration of that person is cancelled and setting out the reasons for that cancellation [.]

[Provided that the Collector of Customs may, in exceptional circumstances, [after giving notice and affording reasonable opportunity of being heard,] suspend the use of unique user identifier of any person forthwith on receipt of any complaint or information about violation of any provisions of this Act:

Provided further that the Collector of Customs shall, after giving opportunity of hearing, pass an order confirming suspension or otherwise the use of Unique User Identifier.]

[Provided also that a person aggrieved by an order of the Collector, cancelling or confirming the suspension of his unique user identifier, may, within thirty days of communication of such order, prefer an appeal to the Chief Collector who may pass an order annulling, modifying or confirming the order passed by the Collector.]

From perusal of the above, it reflects that primarily it pertains to cancellation of registration of registered user and in sub-clause (a), (b), & (c) of sub-Section (1) of Section 155 there are three different situations under which the cancellation proceedings can be initiated and finalized; however, the first proviso states that the Collector of Customs may, in exceptional circumstances, **“after giving notice and affording reasonable opportunity of hearing”**, suspend the user ID of any person on receipt of any complaint or information about violation of any provisions of this Act. The second proviso further states that the Collector of Customs, after giving opportunity of hearing, pass an order confirming such suspension or otherwise, regarding the user ID of a person. In the instant matter, admittedly no such notice as above was issued; and not only this, even no reasonable opportunity of hearing was ever provided. In that case, the suspension / blocking of user ID cannot be sustained as it has been done without lawful authority and jurisdiction and in violation of the relevant provision of the Act.

Accordingly, the Petition is ***allowed*** by declaring that the blocking / suspension of the user ID of the Petitioner has been done without lawful authority and jurisdiction and as a result thereof, it stands set-aside and User ID stands restored forthwith. Insofar as the pending proceedings, if any, under Section 155F of the Act are concerned, that shall be continued and proceeded with in accordance with law. Petition stands allowed in these terms.

ACTING CHIEF JUSTICE

J U D G E

Arshad/