

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Jaffer Raza

C.P. No. D – 5699 of 2025: M/s. Danish Impex versus Federation of Pakistan and others.

C.P. No. D – 5725 of 2025: M/s. Diera International versus Federation of Pakistan and others.

C.P. No. D – 5726 of 2025: M/s. Ayaan Traders versus Federation of Pakistan and others.

For Petitioners : M/s. Fariyal Ishaque and Sathi M. Ishaque, Advocates. [In all petitions]

For Respondents 1-3 : Ms. Mehreen Ibrahim, Deputy Attorney General for Pakistan alongwith Mr. Muhammad Hassan, Deputy Director, (P&D), DPP, M/o. NFS&R, Karachi. [In all petitions]

Respondent 4 : Sardar Zafar Hussain, Advocate in C.P. No. D – 5699 of 2025.

Mr. Aamir Ali Shaikh, Advocate in C.P. Nos. D – 5725 & 5726 of 2025.

Date of hearing : 11-12-2025

Date of decision : 11-12-2025

ORDER

Muhammad Jaffer Raza J. – Petitioners have imported consignments of betel nuts (areca nuts). They are aggrieved of orders passed by the Department of Plant Protection [DPP] under Rule 46 of the Pakistan Plant Quarantine Rules, 2019 [Rules] for confiscation and destruction or re-export of their respective consignments. In each case such order has been passed upon a lab report finding that aflatoxin levels in the goods are beyond acceptable limits, thus making the goods unfit for human consumption. Learned counsel for Petitioners confine the relief to an order for suspending destruction or re-export of the goods

until another lab test is conducted. They rely on similar orders passed by this Court from time to time.

2. Heard learned counsel and perused the record.

3. The Aflatoxin levels detected in the subject consignments are 54.56 ppb (C.P. No. D-5699/2025), 42.28 ppb (C.P. No. D-5725/2025), and 98.61 ppb (C.P. No. D-5726/2025) respectively.

4. In all the petitions the impugned order of confiscation, destruction or re-export of the goods is premised on a single lab test. Since each consignment is supported by a phytosanitary certificate issued by the Plant Protection Authority of the exporting country, therefore, there is some force in the submission that a second sample and lab test is justifiable to rule out any error in the first lab test, or that the first sample was not subsequently exposed to the elements which accelerated the build-up of aflatoxin by the time that sample came to be tested. There is indeed an intervening period between the taking of samples and their lab test.

5. In view of the foregoing, we direct the DPP to take another sample from each consignment in the presence of a representative of the Petitioners and have it tested from another lab notified on the panel of the DPP at the cost of the Petitioners. Till such time, the order of confiscation impugned in each petition shall remain suspended. In the event, the second lab test also returns with aflatoxin levels exceeding the acceptable limit, the order of confiscation shall stand revived. Petitions are disposed of in said terms.

Office shall place this order in all petitions listed above.

JUDGE

JUDGE

SHABAN*