

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 726 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection
2. For orders on CMA No.3441/2019
3. For hearing of main case
4. For orders on CMA No.3442/2019

11.11.2025

Sardar Zafar Hussain advocate files vakalatnama on behalf of applicant which is taken on record.

Per learned counsel twelve appeals were decided vide a common impugned judgment. He states that present reference was inordinately left out and other references arising from the same impugned judgment have already been decided vide order dated 04.02.2021 passed in SCRA 727 of 2019 and other connected matters. The operative part of the order reads as follows :

4. We have at the very outset, confronted the learned Counsel for the Applicant that as to how and in what manner, reassessment could be made in respect of goods for which a Valuation Ruling has been issued in terms of Section 25 of the Act, and duly applied and to this, he has not been able to controvert this legal proposition. Section 25-A¹ confers a power to determine the Customs value and starts with a Non-Obstante clause and provides that notwithstanding the provisions contained in section 25, the Collector of Customs on his own motion, or the Director of Customs Valuation [on his own motion or] on a reference made to him by any person [or an officer of Customs], may determine the customs value of any goods or category of goods imported into or exported out of Pakistan, after following the methods laid down in section 25, whichever is applicable. It is clear that the provision of s.25A ibid would have an overriding effect while applying the values determined under it and it is only the methods of s.25 which are to be followed; but in no manner any assessment can be made under s.25 when there is a Valuation Ruling under s.25A already in field. It is not understandable as to how the Applicants through a Show Cause Notice have made an attempt to reassess the goods under Section 25 of the Act by showing intention to accept transactional value of the goods in question. Notwithstanding this, even the proviso in Section 25-A whereby, it is provided that where the value declared in a goods declaration or mentioned in the invoice retrieved from the consignment is higher than the value determined under sub-section (1) of section 25-A, such higher value shall be the customs value was inserted by way of Finance Act, 2017, whereas, the instant case is prior in time. Moreover, it is not a case where the transactional value was available with the department or the value mentioned in the invoice was retrieved from the consignment at the time of

¹ [25A. Power to determine the customs value.- (1) Notwithstanding the provisions contained in section 25, the Collector of Customs on his own motion, or the Director of Customs Valuation [on his own motion or] on a reference made to him by any person [or an officer of Customs], may determine the customs value of any goods or category of goods imported into or exported out of Pakistan, after following the methods laid down in section 25, whichever is applicable.

(2) The Customs value determined under sub-section (1) shall be the applicable customs value for assessment of the relevant imported or exported goods

Provided that where the value declared in a goods declaration, filed under section 79 or section 131 or mentioned in the invoice retrieved from the consignment, as the case may be, is higher than the value determined under sub-section (1), such higher value shall be the customs value.] (3).....

[(4)

making any assessment under Section 25 of the Act. In this case the goods were already released pursuant to a statutory Valuation Ruling and therefore, any information gathered from the website pursuant to which an attempt has been made to make assessment by accepting the transactional value under section 25 ibid cannot be sustained. On our query we have been informed that the Valuation Ruling in question was never amended pursuant to such information from the website. And lastly, we have also noted that in the Show Cause Notice there again are vague allegations, whereas, neither the values so made available from the website have been mentioned; nor respondents have been confronted with any such unit value independently, and in a generalized manner, the Show Cause Notice had been issued.

5. In view of hereinabove facts and circumstances, we do not see any reason to interfere with the order passed by the learned Tribunal. The question so proposed have not been drafted properly as it is only one question which is relevant that "Whether in the facts and circumstances of the case [at least prior to Finance Act-2017] can goods be assessed under section 25 of the Act on the basis of a transactional value when a Valuation Ruling issued in terms of s.25A of the Act is already in field" and the same is answered in negative, against the Applicant and in favour of the Respondents. Accordingly, these Reference Applications being misconceived are hereby dismissed in limine. Let copy of this order be sent to Customs Appellate Tribunal in terms of sub-section (5) of Section 196 of the Act, whereas, office to place copy of this order in all above connected Reference applications"

Learned counsel states that the order is squarely applicable to the facts and circumstances herein and for the reasons stated therein this reference application may also be dismissed. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

Amjad