

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 1293 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection
- 2. For hearing of main case
- 3. For hearing of CMA No.3081/2023

13.11.2025

Mr. Khalid Mehmood Rajpar, advocate for the applicant

Learned counsel for the applicant contends that the case involves seizure of smuggled items and the said seizure took place at a public place, being Yousuf Goth Bus Terminal, Karachi. Learned counsel adds that instead of adjudicating the issue as to whether the items were smuggled or otherwise, the entire impugned judgment has been premised of a discussion of sections 162 & 163 of the Customs Act, 1969; extraneous or merely tangient to the *lis*. Learned counsel further states that other than one person none of the appellants appeared before the adjudicating authority to prove their claim. Learned counsel states that the entire impugned judgment has been rendered on a tangient issue; whereas, the actual facts and circumstances, pertinent to law, have been ignored.

Learned counsel places courier tracking report on record demonstrating that notice has been effected upon the respondents.

The Appellate Tribunal is the last fact-finding forum in the statutory hierarchy; therefore, it is incumbent upon it to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed has been emphasized by the Supreme Court in the judgment reported as 2019 SCMR 1626. This High Court has consistently maintained that the Appellate Tribunal is required to proffer independent reasons and findings, and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on the judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgments have also maintained that if the impugned order is discrepant in the manner as aforesaid, the correct course is to remand the matter for adjudication afresh. Reliance is placed on the judgment dated 10.12.2024 in ITRA 343 of 2024.

We are of the considered view that the impugned judgment is not a speaking order and is *prima facie* devoid of any independent reasoning etc. The entire judgment comprises essentially of reproduction and is crowned with a dissonant conclusion. *Prima facie* the actual issues before the tribunal have not been brought under consideration and even the legal issue, per ss. 162/3, has been dealt with in a perfunctory manner. Hence, no case is set forth to sustain the impugned judgment, which is hereby *set aside* and the matter is remanded back to the Appellate Tribunal for adjudication afresh in accordance with law.

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

Judge

Judge

B-K Soomro