ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 4099 of 2025
(Transsion Techno Motors (Pvt.) Ltd. Versus Federation of Pakistan & others
a/w
C.P. Nos. D-3457/2026, 5437/2025, 5676/2025, 5677/2025
5917/2025, 6049/2025, 6050/2025, 1238/2026, 1394/2026,
1982/2026, 2810/2026, 3550/2026, 478/2026 & 601/2026

DATE	**ORDER WITH SIGNATURE OF JUDGES**

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 19.8.2026

Mr. Umer Ilyas Khan, Advocate for the Petitioners.
M/s. Sardar Zafar Hussain and Muhammad Siddique Advocates for the Department.
Mr. Shahid Majeed Khan, Advocate for the Department.
Ms. Wajeeha Mehdi, Assistant Attorney General.
Mr. Abdul Jalil A. Zubedi, A.A.G.

O R D E R

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

> *"I. Declare that the import of specified components / items, as approved by the Respondent No. 2, is subject to assessment at the rate of 1% of customs duty provided under Serial 3 of Table - II of Part - V(A) of the fifth Schedule of the Customs Act, 1969, for five (05) years from the date of manufacturing certificate issued by the Respondent No. 2;*
>
> *II. Declare that the act of removing / deleting the option of Serial 3 of Table - II of Part - V(A) of the fifth Schedule of the Customs Act, 1969, from the WeBOC/PSW system by the Respondents is illegal and without jurisdiction;*
>
> *III. Direct the Respondents to restore the option of concession of Serial 3 of Table-II of Part- V(A) of the fifth Schedule of the Customs Act, 1969, in the WeBOC/PSW system;*
>
> *IV. Restraint the Respondents from hindering assessment and release of specified components / items, as approved by the Respondent No. 2, at the rate of customs duty specified in Serial 3 of Table - II of Part -V(A) of the fifth Schedule of the Customs Act, 1969;*
>
> *V. Direct the Respondents to release the consignments imported vide Bill of Ladings, subject to securing corporate guarantee either with the Respondent Collectorate or with the Nazir of this Court for the differential amount of duty and taxes."*

2. The learned counsel for the petitioners submitted that the petitioners had established their manufacturing facility and made substantial investment relying upon the Auto Industry Development and Export Policy (AIDEP) 2021-26 and the concession of 1% customs duty provided under Sr. No. 3 of Table-II of Part-V(A) of the Fifth Schedule to the Customs Act, 1969. He contended that, despite the petitioner's valid approval and manufacturing certificate issued by the

Engineering Development Board (EDB), the concession was removed from the WeBOC/PSW system, resulting in denial of the petitioner's lawful entitlement and preventing clearance of its imported components at the concessionary rate. He further submitted that the concession had been re-enacted through the Finance Act, 2025 and, therefore, could not be withdrawn through administrative action. It was also argued that the EDB had acknowledged the petitioner's entitlement and directed provisional release of the consignments, but the Customs authorities failed to comply. The petitioner, therefore, sought restoration of the concession in the WeBOC/PSW system and release of the consignments against corporate guarantee.

3. Conversely, the learned counsel representing the Deputy Collector/ Respondent No.3 submitted that the concession under Sr. No.3 of Table-II of Part-V(A) of the Fifth Schedule to the Customs Act had expired on 30.06.2025 and was consequently removed from the WeBOC/PSW system. He, however, stated that the Federal Government had subsequently re-legislated/amended the Fifth Schedule and extended the concession up to 30.06.2027. Accordingly, the grievance raised by the petitioners had been addressed, and the purpose of the petitions stood served. He further submitted that the Department would re-assess the Goods Declarations in accordance with law and that the corporate guarantee furnished pursuant to the Court's order would also be discharged in accordance with law.

4. When confronted with this legal position of the case, both parties agreed for disposal of the petitions in terms of the statement so made by the Deputy Collector G-VII, Appraisement West

5. We have heard the learned counsel for the parties and perused the available record.

6. It is not disputed that the petitioners had established their manufacturing facilities and made substantial investment under the Auto Industry Development and Export Policy (AIDEP) 2021-26, while relying upon the concession of 1% customs duty available under Sr. No.3 of Table-II of Part-V(A) of the Fifth Schedule to the Customs Act, 1969. It is also an admitted position that the petitioners possessed the requisite approval and manufacturing certificate issued by the Engineering Development Board (EDB). The temporary removal of the concession from the WeBOC/PSW system, therefore, resulted in a genuine grievance regarding clearance of their consignments at the applicable concessionary rate.

7. However, during the course of hearing, the learned Deputy Collector, G-VII, Appraisement West, filed statement and categorically stated that although the concession had earlier ceased to appear in the system upon expiry of the relevant

statutory provision on 30.06.2025, the Federal Government subsequently re-enacted/amended the Fifth Schedule to the Customs Act and extended the concession up to 30.06.2027. He further assured the Court that the Goods Declarations of the petitioners would be re-assessed strictly in accordance with the amended law and that the corporate guarantee furnished pursuant to the interim orders of this Court would be dealt with and discharged in accordance with law.

8. In view of the aforesaid statement, the principal grievance of the petitioners has substantially been redressed by operation of the subsequent legislative amendment. Since the concession is now available under the amended statutory framework, the Customs authorities are bound to give effect to the law and cannot deny the benefit otherwise lawfully available to an eligible importer merely on account of any earlier technical or administrative omission in the WeBOC/PSW system. At the same time, entitlement to the concession remains subject to verification of the petitioners' eligibility and compliance with the statutory requirements, and the Customs authorities are competent to re-assess the Goods Declarations in accordance with law.

9. Consequently, in view of the statement made by the learned Deputy Collector and the concurrence of learned counsel for the petitioners, no further adjudication is required at this stage.

10. These petitions are accordingly disposed of in terms of the statement made before the Court. The concerned Customs authorities shall process and re-assess the Goods Declarations of the petitioners strictly in accordance with the amended Fifth Schedule to the Customs Act, 1969, and the applicable policy and rules, and shall extend the concession wherever the petitioners are found legally entitled thereto. The corporate guarantees furnished pursuant to the interim orders shall likewise be discharged/released in accordance with law upon completion of the requisite assessment and compliance.

11. Needless to observe that nothing contained in this order shall preclude the competent authority from undertaking any lawful assessment or verification in accordance with the statutory provisions.

Office to place a copy of this order in the connected petitions.

JUDGE

JUDGE

Nadeem Qureshi PA