ORDER SHEET

# IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 89 of 2024

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
|---|---|

1. For orders on office objection.
2. For hearing of main case.
3. For hearing of CMA No.338/2024.

**11.11.2026**

Mr. Khalid Mahmood Rajpar, advocate for the applicant.
Mr. Tasawar Hussain Chang, advocate holding brief for Mr. Ovais Ali Shah, advocate for the respondent.

Learned counsel states that the impugned judgment is devoid of an independent reasoning and / or deliberation and cannot be said to be a speaking order. Learned counsel states that the same is not befitting the last fact-finding forum in the statutory hierarchy.

Mr. Tasawar Hussain Chang, advocate makes no effort to dispel the same and merely seeks time. Same was the case on the last two dates.

The Appellate Tribunal is the last fact finding forum in the statutory hierarchy, therefore, it is incumbent upon the same to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed to be emphasized by the Supreme Court in judgments reported as 2019 SCMR 1726. This High Court has consistently maintained that the Appellate Tribunal is required to possess independent reasons and findings and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgment has also maintained that if the impugned order is discrepant in the manner as aforesaid even grant to remand the matter for adjudication afresh. Reliance is placed on judgment dated 10.12.2024 in ITRA 342 of 2024.

We are of the considered view that the impugned judgment could not be treated to be a speaking order prima facie devoid of relevant discussion and deliberation. In view hereof, the impugned judgment is hereby set aside and the matter is remanded back to the Appellate Tribunal for adjudication afresh.

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(10) of the Customs Act, 1969.

Judge

Judge

Khuhro/PS