ORDER SHEET

THE HIGH COURT OF SINDH KARACHI

SCRA No. 1078 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For hearing of CMA No. 2239 of 2023.
2. For hearing of main case.
3. For hearing of CMA No. 2240 of 2023.

12-11-2026

Mr. Pervaiz Ahmed Memon, advocate for applicant.

Per learned counsel, the impugned judgment is devoid of any independent deliberation and/or reasoning and cannot be considered a speaking order. Learned Counsel states that dealing with the lis, the Tribunal has rendered the order in a perfunctory manner and the same is not befitting the last fact-finding forum in the statutory hierarchy.

Learned counsel demonstrates that pursuant to order for substituted service, service has been effected through publication and the relevant excerpt of the newspaper is on file.

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 1726. 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 could not be considered to be 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. 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 be sent under 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

SADAM