

Ph. 9220581

MOST IMMEDIATE

C. P. No.328-K/2014-**SCJ.**

Supreme Court of Pakistan.

Islamabad, the 20th October, 2014.

From

The Registrar
Supreme Court of Pakistan
Islamabad.

INWARD No. 99/0
BRANCH Registrar
DATE 21/10/14
High Court of Sindh
Karachi

To

✓ The Registrar,
High Court of Sindh,
Karachi C/o AR(Karachi).

Subject:- **CIVIL PETITION NO. 328-K OF 2014.**
Collector of Customs and another. **...Petitioner**

Versus.
M/s Baig Enterprises and Engineering and another.
...Respondents


(on appeal from the judgment/order of the High Court
of Sindh, Karachi dated 22.09.2014 passed in C.P.D-
4353/2014)

Sir,

I am directed to enclose herewith a certified copy of the order
dated **17.10.2014** passed in the above cited Civil Petition for information
and necessary action.

Kindly acknowledge receipt of this letter along with its
enclosure.

Encl:- As Above


(RAFAQAT HUSSAIN AWAN)
IN-CHARGE CIVIL-II BRANCH
FOR REGISTRAR.

Registrar
ji
Dr. A.R.
23/10/14.
A.R. (with)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN.
MR. JUSTICE QAZI FAEZ ISA.

C. P. No. 328-K of 2014.

(On appeal against the judgment dt. 22.09.2014 passed by the High Court of Sindh at Karachi in C. P. No. D-4353 of 2014).

Collector of Customs and another. ...Petitioners
Versus
M/s Baig Enterprises and Engineering and another. ...Respondents

For the petitioners: Raja M. Iqbal, ASC.
Mr. Arshad Majeed Rana, Asstt. Collector
Group Incharge.

For the respondents: N.R.

Date of hearing: 17.10.2014.

ORDER

The learned ASC for the petitioners contended that according to Goods Declaration (GD-1) the goods imported were Concrete Transit Mixture Truck falling under HS Code 8705.4000, while according to the description of goods on the back of GD, they were found to be Adapted Transit Concrete Mixes. He next contended that when the matter went to the assessment group, the goods were found to be trucks which under the policy could not be imported, therefore, a show cause notice was issued to the respondents. The respondents, the learned ASC added, instead of responding to the show cause notice filed a Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan before the Sindh High Court. The High Court, the learned ASC maintained, was not supposed to interfere when the petitioners action was well within the periphery of section 80 of the Customs Act. How far the contentions of the learned ASC conform to the provisions of the Customs Act is a question requiring consideration. We would, therefore, like to hear the other side. Notice for 10.11.2014. As the

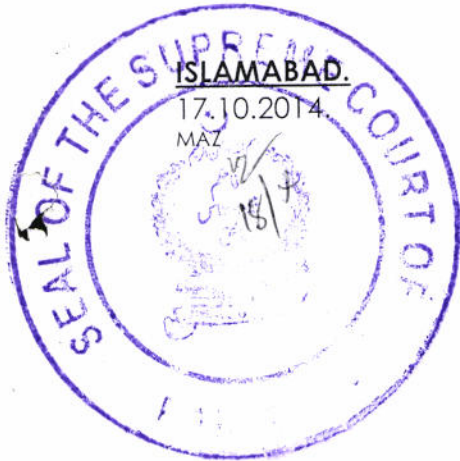
ATTESTED
Supervisor
Supreme Court of Pakistan
Islamabad.

QW

impugned judgment has been passed by a division bench, the matter be listed before a three members bench. In the meantime, status-quo be maintained.

2. All the documents having slightest relevance to the controversy urged before us be placed on the record.

sd/ Ejaz Afzal Khan, J
Qazi Faez Isa, J



Certified to be true Copy

Superintendent
Civil Branch
Supreme Court of Pakistan