

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Adnan Iqbal Chaudhry

C.P. No. D – 5438 of 2026

[Shamim Liaqat Food & Beverages (Pvt) Ltd. v. Federation of Pakistan & others]

Petitioner : Shamim Liaqat Food & Beverages (Pvt.) Ltd. through Mr. Ghulam Hyder Shaikh, Advocate.

Respondent No.1 : Federation of Pakistan through Ms. Mehreen Ibrahim, Deputy Attorney General for Pakistan.

Respondent No. 2 : The Collector of Customs through Mr. Aamir Ali Shaikh, Advocate.

Respondents 3 & 4 : The Plant Protection Advisor /Director General, Department of Plant Protection through Mr. Muhammad Hassan, Deputy Director / Focal Person (Litigation), and Mr. S. Muzammil Hussain, Entomologist, Department of Plant Protection.

Date of hearing : 08-10-2026

Date of decision : 08-10-2026

ORDER

Adnan Iqbal Chaudhry J.- Having obtained an import permit from the Department of Plant Protection [DPP] under the Pakistan Plant Quarantine Rules, 2019 [PPQR], the Petitioner imported a consignment of dry *copra* (dried coconuts). After an inspection, the DPP declined to release the goods and passed an order dated 22.07.2026 under Rule 46 of the PPQR that the goods be confiscated and destroyed or be re-exported to the country of origin “*due to severe fungal infestation*”. This order has been challenged by the Petitioner.

2. Learned counsel for the Petitioner pointed out that on the day of the impugned order, the DPP had first issued a Release Order for

the consignment under Rule 54 of the PPQR. He, therefore, submitted that the impugned order was *malafide*. The explanation given by the DPP in that regard is that the Release Order was a computer-generated approval generated erroneously, for the examination report entered by the officer in the system was that the goods were infested and could not be released. In support of that, the DPP has placed on record such examination report. We are inclined to accept that explanation because after the petition was filed, the consignment was examined by the DPP again on 28.07.2026 in presence of the Petitioner's representative, and it was confirmed that the goods were completely infested with fungus. Therefore, as the matter presently stands, it is no longer a disputed fact that the goods are so infested.

3. The case of the Petitioner is that the infested goods can nonetheless be released, for it had not imported the goods for human consumption but for industrial use in the manufacture of soap. Learned counsel for the Petitioner pointed out that the G.D. filed by the Petitioner specified that the goods were "*for industrial use*" and thus classified under PCT Heading 1203.000 which is for "*dry flesh of coconut used for extraction of coconut oil*". He submits that even the import permit issued to the Petitioner is both "*for purposes of consumption or processing*".

4. Learned counsel for the Customs submits that the Petitioner is admittedly a food company, and therefore, notwithstanding the declaration made by it in the G.D., the intent is to use the goods for human consumption.

5. Per the DPP, even if the goods are intended for manufacture of soap, the extent and nature of infestation is such that release of such goods poses a phytosanitary and biosecurity risk; and that there is no scientifically approved treatment or disinfestation measure that can adequately mitigate such risk.

6. In our view, it is irrelevant whether the subject goods were imported for human consumption or for use in the manufacture of soap. The PPQR, framed under the Pakistan Plant Quarantine Act, 1976 to implement the International Plant Protection Convention, 1951, is a legislative measure in biosecurity. Its purpose is to protect indigenous plants and crops from pests and disease that may accompany plants and plant products imported into Pakistan and adversely affect the country's eco-system, agrobiodiversity and ultimately public health. Therefore, we agree with the DPP that the PPQR has a larger purpose, and therefore, action taken thereunder to implement plant biosecurity rules should not be judged simply on standards of food safety.

7. The Petitioner does not bring forth any reason to dislodge the expert opinion of the DPP that subject goods, if released, will be a phytosanitary and biosecurity risk. The impugned order of confiscation does not otherwise suffer from any legal infirmity. The petition is therefore dismissed.

JUDGE

JUDGE

**PS/SADAM*