THE HIGH COURT OF SINDH AT KARACHI

Before:
Mr. Justice Yousuf Ali Sayeed
Mr. Justice Adnan Iqbal Chaudhry

C. P. No. D – 2422 of 2026
[M/s Marium International v. Federation of Pakistan & others]

Petitioner	:	M/s. Marium International through M/s Muhammad Saeed Shahzad and Mohsin Ali Chandio, Advocates
Respondents 1-3	:	Federation of Pakistan and others through Ms. Mehreen Ibrahim, Deputy Attorney General along with Muhammad Hassan, Focal Person for Litigation, DPP.
Respondent 4	:	Collector of Customs, MCC (East) through Mr. Agha Shahid Majeed Khan, Advocate
Date of hearing	:	15-09-2026
Date of decision	:	17-11-2026

JUDGMENT

Adnan Iqbal Chaudhry J.– Under an import permit from the Department of Plant Protection **[DPP]**, the Petitioner imported a consignment (166,881 kg) of Groundnuts in shell (not roasted) from the U.A.E., specifying the country of origin as Afghanistan, and made an application to the DPP for a Release Order under Rule 44 of the Pakistan Plant Quarantine Rules, 2019 **[PPQR]**. The DPP declined to issue a Release Order on the ground that the phytosanitary certificate purportedly issued at the country of origin i.e. Afghanistan, was found to be fake. The DPP passed on this information by letter dated 07.03.2026 (impugned letter) to the Collector of Customs with the recommendation that legal proceedings be taken against the Petitioner for having committed an offence. The Petitioner challenges the DPP's refusal to issue a Release Order and seeks a declaration that the impugned letter is unlawful.

2. The application made by the Petitioner to the DPP enclosed two phytosanitary certificates; one from the Plant Protection and Quarantine Department of Afghanistan issued at the country of origin of goods, and the other from the U.A.E. Ministry of Climate Change & Environment issued at the country from where the goods were re-exported to Pakistan. The submission of learned counsel for the Petitioner was two-fold. Firstly, that the Petitioner had purchased and imported the goods from a trading company in the U.A.E., which in turn, had imported the goods into the U.A.E. from Afghanistan; therefore, if the phytosanitary certificate issued at Afghanistan was fake, the Petitioner had no knowledge of the same and could not be held liable for any offence. Secondly, even if the phytosanitary certificate at the country of origin was fake, the National Plant Protection Organization **[NPPO]** of the U.A.E. had issued its own phytosanitary certificate at the country of re-export, therefore, the import condition of a valid phytosanitary certificate was fulfilled.

3. Comments filed by the DPP enclose an email dated 18.02.2026 sent by the NPPO of Afghanistan to the DPP to confirm that phytosanitary certificate No. 369770 dated 16.10.2025 relied upon by the Petitioner had not been issued by said authority and was fake. It was contented by the DPP that the Petitioner was complicit in procuring a fake certificate. It was submitted that in the absence of a phytosanitary certificate from the country of origin of goods, the import condition was not fulfilled and therefore the DPP cannot issue a Release Order. Muhammad Hassan, Focal Person for the DPP stated that the Petitioner had the option of making an application to the DPP for re-exporting the goods.

4. Heard learned counsel and perused the record.

5. It is correct that the import permit, the bill of lading and the invoice of goods, all reflect the consigner of the goods as a trading company in Dubai, U.A.E. Therefore, it may well be, as submitted by the Petitioner, that it was not aware that the phytosanitary certificate

purportedly issued by the NPPO of Afghanistan, was fake. However, that plea may best serve the Petitioner if any proceedings are taken against it for submitting a fake document. For present purposes it will suffice to observe that no phytosanitary certificate was ever issued at Afghanistan where the goods originated. The question posed by the Petitioner is whether the phytosanitary certificate issued at the country of re-export (UAE) was nonetheless sufficient compliance with the conditions of import.

6. Under the Import Policy Order, 2022, the import of Groundnuts (peanuts) is permitted subject to following conditions:

Part-IV, Appendix-B

Sr. No.	PCT Codes	Commodity Description	Conditions
1	2	3	4
272	1202.4100	Ground-nuts (excluding roasted ground-nuts) in shell	Importable subject to (i) Valid Import Permit issued by DPP (ii) Phytosanitary Certificate from National Plant Protection Organization (NPPO) of country of origin and Phytosanitary Certificate for re-export (if the country of export is other than the country of origin) (iii) Compliance with Food Safety requirements and (iv) Plant Protection Release Order by DPP.

The import conditions clearly require a phytosanitary certificate from the NPPO of the country of origin (in this case, Afghanistan) '***and***' a phytosanitary certificate for re-export if the country of export is other than the country of origin (in this case, the U.A.E.).

7. Rule 57 of the PPQR which deals with foreign phytosanitary requirments for imports into Pakistan, also mandates phytosantary certificates both from the country of origin and the re-exporting country by stipulating:

> "57. **Foreign inspection and certification requirement.—**(1) Any permitted plant, plant product or other regulated article shall be

> accompanied by a valid and original phytosanitary certificate issued by NPPO of country of origin.
>
> (2) Any permitted plant and plant product and other regulated article shall be accompanied by valid and original phytosanitary certificate for re-export issued by NPPO of re-exporting country along with copy of phytosanitary certificate of country of origin duly attested by NPPO of re-exporting country.
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> (7) Phytosanitary certificate for export or for re-export issued by NPPO of exporting or re-exporting country respectively for accompanying a consignment of plants, plant products or regulated goods or articles shall certify all phytosanitary measures and requirements specified by the Department in the permit under these rules otherwise, it shall be invalid."

8. Furthermore, the Petitioner's import permit, a complete copy of which was produced by the DPP, expressly required that the consignment must be accompanied by a phytosanitary certificate issued by the NPPO of Afghanistan; that the consignment must have been inspected by the NPPO of the exporting country and certified to be free from specified quarantine pests and biosecurity risks; and that the consignment must have been fumigated at the country of origin with methyl bromide. As manifest in Rule 65 of the PPQR, the purpose of requiring such phytosanitary measures is to safeguard against possible exposure to infestation or contamination by regulated pests at the place where the commodity was grown or produced.

9. The absence of a phytosanitary certificate issued at Afghanistan presumes that the Groundnuts were shipped from the country of origin without any phytosanitary measures. The phytosanitary certificate for re-export issued at the U.A.E. only certifies that the Groundnuts were tested for aflatoxin levels prior to re-shipment. It does not certify that the Groundnuts are free from specified quarantine pests and biosecurity risks, nor does it state that the consignment was fumigated at the U.A.E. with methyl bromide as required by the import permit. Therefore, the argument of the Petitioner's counsel that the phytosanitary certificate for re-export issued at the U.A.E. was sufficient compliance with the conditions of

import, does not have any force. Consequently, DPP's refusal to issue a Release Order for such goods and the impugned letter issued to the Collector of Customs, do not warrant interference. The petition is dismissed.

JUDGE

JUDGE