

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 154 of 2020

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

- 1. For orders on CMA No.866/2020
- 2. For hearing of main case
- 3. For orders on CMA No.867/2020

21.10.2025

Sardar Zafar Hussain advocate files vakalatnama on behalf of applicant which is taken on record.

Per learned counsel the question framed for determination has already been decided against the department vide order dated 25.08.2025 in SCRA 113 of 2016, reproduced herein below :

25.08.2025.
Mr. Muhammad Khalil Dogar, Advocate for Applicant.
1) Granted subject to all exceptions.
2 & 3) Through this Reference Application, the Applicant has impugned Order dated 02.12.2015 passed in Customs Appeal No. K-1732/2014 by the Customs Appellate Tribunal, Karachi proposing various Questions of law; however, on perusal of the record, it appears that only one Question is relevant and arising out of the impugned order which reads as under:-

“iii) Whether on facts & circumstances of the case the learned Appellate Tribunal has erred in law not to consider that under the provision of Section 80 of the Act, the assessing officer has the power to re-assess the goods even after clearance from their charge, secondly, the provision of Section 195 of the Act, have no overriding effect on Section 32 of the Act?”

Heard learned Counsel for the Applicant and perused the record. It appears that Respondent had imported a consignment of Hot Rolled Alloy Steel Round Bars, Grade 20MC5 having Size in mm, dia x length 130 x 6000mm and claimed classification of the goods under PCT heading 7228.3090 which was chargeable to custom duty @ 5%, sales tax @ 17% and withholding tax @ 5%. Thereafter, the Respondent department without issuing any Show Cause Notice or opportunity of hearing on their own re-assessed the goods declaration after clearance of the goods and sent a message to the Respondent for payment of the alleged amount levy of customs duty and taxes. The Tribunal has given its findings as to jurisdiction of the Applicant department and has been pleased to hold that the Applicant department had no jurisdiction to invoke Section 80(3) of the Customs Act, 1969 once goods had been released and out of charge. We see no reason to interfere with such findings as the law is clear and settled to that effect. Reliance may be placed on Messrs Harris Silicones and Glass (pvt.) Ltd. V. Federation of Pakistan (2022 P T D 1163).

In view of the above, the proposed Question is answered against the Applicant and in favour of the Respondent and consequently, this Reference Application is dismissed along with pending applications.

Let copy of this order be sent to Appellate Tribunal Customs in terms of sub-section (5) of Section 196 of Customs Act, 1969

Learned counsel states that the aforementioned edict is binding upon this bench, therefore, for the reasons assigned therein this reference application may also be dismissed, subject to the right of applicant to assail the same before the honourable Supreme Court. Order accordingly.

A copy of this order 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(5) of the Customs Act, 1969.

Judge

Judge

Amjad