

IN THE HIGH COURT OF SINDH KARACHI

Present

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 5057 of 2025

(M/s. Classic Impex versus Federation of Pakistan & another)

Petitioner : M/s. Classic Impex, through
Mr. Barkat Ali Awan Advocate.

Respondent No.1 : Federation of Pakistan, through
Mr. Sheharyar Qazi, A.A.G.

Respondent No.2 : The Collector of Customs (SAPT)
Karachi, through Sardar Zafar Hussain
Advocate along with Mr. Tariq Aziz,
Assistant Collector.

Date of hearing : 27-10-2025

Date of decision : 27-10-2025

ORDER

Adnan Iqbal Chaudhry, J. - The facts appear to be that the Petitioner imported a consignment of Door Rim Locks (Non-Electric) and filed a GD declaring the customs value of goods @ USD 1.79 per kg under Valuation Ruling (VR) No.1860/2024. The Assessment Officer assessed customs duty and taxes accordingly. However, soon thereafter and before gate-out, duty and taxes were reassessed by the Officer @ USD 1.17 per piece under the same VR, thus resulting in a substantial difference between duty/taxes paid and payable. Meantime, the goods were put on hold at the port. Per learned counsel for the Customs, the earlier assessment did not notice that the value in column 7 of the VR was on the condition that the overall value of assessed items should not be less than USD 1.79 per kg; that since the Petitioner's goods did not meet that condition, those were reassessed under column 6 of the same VR. The Petitioner does not agree with such reading of the VR, and against the reassessment it has preferred an appeal to the Collector (Appeals) under section 193 of the Customs Act, 1969. Before this Court, the Petitioner submits that pending determination in appeal, it

is willing to secure the disputed amount of duty/taxes and prays that the Customs be directed to release the goods which are incurring demurrage charges at port.

Heard learned counsel. Both, the Petitioner and the Customs, rely on the same VR. Said VR seems to envisage different valuation of same goods depending upon where the goods fall within the VR. Therefore, this is not a case where the Petitioner seeks release of goods by disputing the VR, rather it is a dispute over which of the two valuations in the VR would apply. In such circumstances, the cases of *Collector of Customs, Lahore v. Wasim Radio Traders, Lahore* (2023 SCMR 1716) and *Shamim Ahmed v. Federation of Pakistan* (2024 PTD 736) do not come in the way of this petition. Since there is no issue on the importability of the goods, we are inclined to accede to the Petitioner's request as the goods are incurring demurrage charges.

In view of the foregoing, we allow the Petitioner to secure the differential amount of duty/taxes with the Nazir of this Court by pay-order(s) or bank guarantee(s). Upon a certificate to that effect by the Nazir, Respondent No.2 shall lift the hold placed on the subject goods forthwith. In case the security submitted is a pay-order, the Nazir shall invest the same as per Rules. Nazir's fee shall be Rs. 10,000/- per certificate. The security shall be subject to further orders of the Court. Petition disposed of in said terms.

JUDGE

JUDGE