

IN THE HIGH COURT OF SINDH KARACHI

**Present:**

Mr. Justice Adnan Iqbal Chaudhry  
Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 5083 of 2025

Petitioner : M/s. Haider International, through  
Mr. Muhammad Ishaq Advocate.

Respondent No.1 : Nemo.

Respondent No.2 : The Collector of Customs, through  
Mr. Muhammad Khalil Dogar  
Advocate.

**Date of hearing : 03.11.2025**

**Date of decision : 03.11.2025**

**ORDER**

**Adnan Iqbal Chaudhry J.-** Mr. Muhammad Khalil Dogar Advocate files vakalatnama and comments for Respondent No.2. He submits that examination of subject consignment has revealed excess quantity; therefore the goods have been seized and a contravention report with the charge of misdeclaration has been forwarded to the relevant officer for commencing adjudication proceedings against the Petitioner under section 179 of the Customs Act, 1969 [Act]; and that, as per section 168(2) of the Act, the department can issue a show-cause notice within sixty (60) days which period has not yet lapsed.

On the other hand, learned counsel for Petitioner submits that the excess quantity of goods in the consignment was duly explained by the Petitioner and there was no intent to commit misdeclaration. He submits that even though the goods are under a FTA with China, the department is not allowing the requisite concessionary rate of duty and taxes. He prays that till such time the department takes adjudication proceedings, an order may be passed to release the goods which are incurring demurrage charges at the port.

Heard learned counsel. In light of facts disclosed in the department's comments, the grievance of the Petitioner at this stage can only be with the seizure of the goods at the port which are incurring demurrage and detention charges pending adjudication proceedings under section 179 of the Act. Therefore, in our view, the Petitioner's remedy is under section 83-B of the Customs Act, which envisages release of goods pending adjudication of an offence if that offence does not entail outright confiscation of goods. Therefore, we dispose of this petition by directing that if the Petitioner files an application under section 83-B of the Act, same shall be decided by Respondent No.2 in four (04) days in accordance with law.

JUDGE

JUDGE

*Nadeem Qureshi P.A.*