

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 189 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

- 1. For hearing of main case
- 2. For hearing of CMA No.2250/2025

10.11.2025

Mr. Azad Hussain, associate of Mr. Faheem Raza Khuro,
advocate for the applicant

Learned counsel contended that the respondent avoided the adjudication proceedings, ostensibly in an effort to have them rendered time barred. He stated that thereafter the benefit of truancy was given to the respondent before the learned Tribunal and same is unwarranted. He added that even if the respondent had a *prima facie* case before learned Tribunal, the correct course of action ought to have been remanded the matter to the adjudication on merits. Learned counsel further stated that the impugned judgment is devoid of any independent discussion and / or deliberation, hence it cannot be considered to be a speaking order.

Learned counsel has placed courier tracking report on record, which demonstrates that notice has been served upon the respondent.

The Appellate Tribunal is the last fact-finding forum in the statutory hierarchy; therefore, it is incumbent upon it to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed has been emphasized by the Supreme Court in the judgment reported as 2019 SCMR 1626. This High Court has consistently maintained that the Appellate Tribunal is required to proffer independent reasons and findings, and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on the judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgments have also maintained that if the impugned order is discrepant in the manner as aforesaid, the correct course is to remand the matter for adjudication afresh. Reliance is placed on the judgment dated 10.12.2024 in ITRA 343 of 2024.

We are of the considered view that the impugned judgment could not be considered to be a speaking order and is *prima facie* devoid of any independent reasoning etc. The entire judgment comprises essentially of reproduction and is crowned with a dissonant conclusion. Hence, no case is set forth to sustain the impugned judgment, which is hereby *set aside* and the matter is remanded back to the Appellate Tribunal for adjudication afresh in accordance with law.

A copy of this decision may also be sent under the seal of this Court and signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

B-K Soomro