ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 150 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on CMA No.1588/2026.
2. For hearing of main case.
3. For orders on CMA No.1589/2026.

17.08.2026

Mr. Khalilullah Jakhro, advocate for applicant.

1. Exemption granted subject to all just exceptions.

2&3. The impugned judgment reads as follows:

> 8. I have heard the learned representatives of both sides and have perused the available record. The foremost question for determination is whether the instant appeal has been filed within the period of limitation prescribed under the Customs Act, 1969. Since the Honorable Lahore High Court while deciding the Civil Revision No. 60-D of 2010 is pleased to refer to the case law (such as Pak Carpet Industries Ltd V Government of Sindh and 2 others 1993 CLC 334, Muhammad Yaqoob v. Baqir, and 2 others 1993 CLC 1319, Khair Deen v. Rehm Deen and 4 others 1996 CLC 1731 and Gul Muhammad through Legal Heirs v Karachi Development Authority and another 1998 MLD 150" and has observed as under
>
> > "It is a settled principle that miscellaneous applications, such as those for condonation of delay, must be specifically determined before the main case is decided"
>
> 9. From the record, it transpires that the impugned Order-in-Appeal No 2066/2025 dated 11.02 2025 is received to the appellant department on 11.02 2025 which is confirmed by the Departmental Representatives (ie Mr. Mano Mal Galwani, Deputy Collector and Majid Hussain, Inspector) on the basis of the record of their Collectorate and furnished to this bench. So, the impugned Order-in-Appeal was fully in knowledge of the appellant. Regarding the points of knowledge of any order /notice and filing of appeal thereupon, the Hon'ble High Court of Sindh, in SCRA No 46 of 2026, has been pleased to observe as under vide order dated 20.04.2026
>
> > "Whether on the facts and circumstances of the case, the learned Member Judicial of the Customs Appellate Tribunal. Karachi has failed to take into account that the time of limitation starts from the date of the knowledge of the applicant?"
>
> However, the present appeal has been filed before this Tribunal on 27 05 2025 after expiry of 64 days and the statutory period provided under Section 194-A of the Customs Act, 1969. Moreover, the respondent counsel contended the case on time limitation with evidentiary record which clearly shows that the order-in-appeal has been acknowledged to the department.
>
> 10. Although an application / report for condonation of delay has been placed on record, the reasons assigned therein are general and relate to administrative /operational constraints No

sufficient cause, supported by cogent material, has been shown which could satisfactorily explain each day's delay It is settled law that limitation provided under a special statute is to be strictly construed and cannot be extended as a matter of course. The right of appeal, being a creature of statute, is circumscribed by the conditions attached thereto, including the period of limitation. In the case of Food Department, Gujranwala v. Ghulam Farid Awan (2010 SCMR 1899), the Hon'ble Supreme Court of Pakistan has observed as under

> "Those seeking condonation of delay are under legal duty to explain each day's delay and to show their vigilance to avoid such delays which fatally obviates a valuable remedy Reference is made to
>
> i. East Pakistan v. Abdul Hamid Darfi and others (1970 SCMR 558)
> ii. Federation of Pakistan v. Niaz Ahmed (1997 SCMR 959)
> iii. Commissioner of Income Tax v Rais Pir Ahmed Khan (1981 SCMR 37)"

Regarding identification and placing responsibility on the person who caused delay, the Honorable Court is pleased to further observe as under.

> "The application for condonation of delay must also identify the member (s) of the staff and/or officer (s) responsible for the delay Their name, designation name and address must be stated in the application The application must also clearly state the disciplinary proceedings initiated against the person(s) concerned and the stage of the proceedings. It must also specify the steps taken by the department to assess the revenue loss caused by the delay in filing the appeal and the steps taken to recover it from the delinquent officer"

Moreover, in a recent judgment dated 12 02 2026 by the Honorable Supreme Court of Pakistan in the case of the Federation of Pakistan through Secretary Finance, Finance Division Islamabad v. Farid Ullah and others, gravity of delay by the government department is illustrated and decided against as under -

> "If the State is permitted to disregard statutory timeframes on account of its own internal inefficiencies, it creates an imbalance in the administration of justice and undermines the constitutional guarantee of equality before the law When the State fails to comply with these timelines and seeks indulgence for administrative delay, it transfers the consequences of its disorganization onto the Court and the opposing party, who is often in a weaker position than the State Good governance requires that institutions function through clear responsibility, internal discipline, and adherence to law. If compliance depends on convenience rather than structured systems, delay becomes routine and accountability diminishes Courts cannot condone such delay without weakening the expectation that the State must maintain efficient systems capable of meeting its legal obligations. Enforcement of timelines and internal procedures therefore strengthens institutional discipline and reinforces public confidence that the law applies equally to all in terms of Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

5. In view of the foregoing, the explanation offered does not constitute sufficient cause within the meaning of the law. Consequently, CMA No. 8318 of 2025 for condonation

> of delay is dismissed with the result that the Civil Petition is dismissed being barred by time"
>
> 11. The above-cited judgments emphasize the mandatory requirement of filing the appeal within the prescribed time.
>
> In these circumstances, I am not persuaded to condone the delay Consequently, the application for condonation of delay is declined. As a result, the instant appeal being time-barred by 64 days is hereby dismissed in limine on the ground of limitation, without touching upon the merits of the case The order-in-appeal No. 2066/2025 dated 11.02.2025 is upheld to the extent to release the confiscated yarn unconditionally with no order to cost
>
> 12. The appellant is further directed not to charge any demurrage / storage charges for keeping the impugned consignment in their state warehouse because no wrong lies on the part of the respondent.
>
> 13. Order passed accordingly
>
> 14. Let the copy of this order be issued to both the appellant and respondent parties accordingly in terms of sub-section 5 of Section 194-B of Customs Act, 1969."

The applicant has primarily been non-suited on account of limitation and the factual narrative upon which the same is rested stated to have been admitted by the department before the learned Appellate Tribunal and remains uncontroverted today. In view thereof, no question of law has been raised before us, therefore, reference application is dismissed in limine.

A copy of this decision 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(10) of the Customs Act, 1969.

Judge

Judge

Khuhro/PS