

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA No. 769 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1.For order on office objection
- 2.For hearing of CMA No.3428/2024
- 3.For hearing of main case
- 4.For hearing of CMA No.3429/2024

31.08.2026

Mr. Ghulam Mujtaba Sahito, advocate for applicant.

While numerous questions have been proposed, learned counsel asserts that the impugned judgment is prima facie perfunctory in nature and is devoid of any due discussion or deliberation. Learned counsel states that entire judgment is predicated on reproduction leading to a one paragraph towards a dissonant conclusion. Learned counsel states that the same is not befitting the last fact-finding forum in the statutory hierarchy, hence cannot be sustained.

Learned counsel demonstrates from the file that service had infact been effected.

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 1726. 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 order, 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 be sent under seal of this Court and the signature of the Registration to the learned Customs Appellate Tribunal, as required per section 196(10) of the Customs Act, 1969.

Judge
Judge