ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

SCRA No. 886 of 2023

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

1. For orders on office objection.
2. For hearing of main case.
3. For hearing of CMA No. 2030 of 2025.

06-11-2026

Messrs. Sardar Zafar Hussain and Muhammad Siddique, advocates for the applicant.

Per learned counsel impugned judgment concludes by directing that the declared value to be accepted and the same is not sustainable in law, *inter alia*, as decided vide order dated 17.10.2025 passed in SCRA 930 of 2023, which is reproduced herein below:

"**17.10.2025**

Sardar Zafar Hussain, advocate for the applicant.
Rana Sakhawat Ali, advocate for the respondent.

Per learned counsel for the applicant, impugned judgment is not sustainable, as it directed the transactional value to be accepted under Section 25(1) of the Customs Act, 1969, whereas, the correct recourse ought to have been for the valuation to have been ascertained in accordance with law, including without limitation reference to section 25 of the Act. In such regard, learned counsel relies upon judgment reported as 2023 PTD 1769. In pursuance hereof learned counsel for the applicant seeks that the impugned judgment to be set aside and the matter be remanded for adjudication afresh in accordance with law.

Learned counsel for the respondent articulates no cavil to the aforesaid and also places reliance on judgment of this court dated 04.07.2024 passed in SCRA 1926 of 2023, which reads as follows:

"11. In view of hereinabove facts and circumstances, the impugned judgment of the Tribunal cannot be sustained in its entirety and the matter has to be remanded to the concerned Collectorate for passing of appropriate assessment orders under Section 25 of the Act. The questions proposed on behalf of the Applicant Department need to be rephrased in the following manner:

i. Whether in the facts and circumstances of the case, the Tribunal was justified in holding that Director Valuation had failed to follow the sequential methods of Valuation under Section 25 of the Act while determining values of the goods in question under Section 25(7) read with Section 25(9) of the Act?

ii. Whether in the facts and circumstances of the case, the exercise carried out by the Director Valuation while determining the values under Section 25(7) read with Section 25(9) of the Act was in accordance with law?

iii. Whether in the facts and circumstances of the case, the Tribunal was justified in accepting the declared values of

the Respondents as true Transactional values under Section 25(1) of the Act?

12. Questions Nos.1 & 3 as above are answered in negative; in favour of the Applicant, and against the Respondents, whereas, Question No.2 is also answered in negative; against the Applicant and in favor of the Respondents. All Reference Applications are partly allowed / disposed of to the extent of Questions Nos.1 & 3 and all matters stand remanded as above to the concerned Collectorates. Let a copy of this order be sent to the Customs Appellate Tribunal in terms of sub-section (5) of Section 196 of the Customs Act, 1969. Office to place a copy of this order in the connected Reference Applications."

Counsel jointly place reliance on paragraphs 11 and 12 of the aforesaid judgment and state that these reference applications may also be disposed of upon the same terms. Order accordingly. SCRAs stand disposed of.

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(5) of the Customs Act, 1969. Office is instructed to place copy hereof in the connected file."

Learned counsel states that this reference application may also be disposed of upon the same terms and the impugned judgment may be set aside and the matter be remanded back to the learned Tribunal for adjudication afresh in accordance with law. Order accordingly.

A copy of this decision may be sent under 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

SADAM