

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

C.P. No. D – 4645 of 2026: M/s. Silver Enterprises versus Federation of Pakistan and others.

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For the Petitioners : Mr. Ahmed Ali Hussain, Advocate.
In both petitions.

Respondents 1-3 : Ms. Mehreen Ibrahim, Deputy Attorney General for Pakistan alongwith Mr. Muhammad Hassan, Focal Person (Litigation), DPP, Karachi. In both petitions.

Respondents 4-5 : Mr. Agha Shahid Majeed Khan, Advocate. In both petitions.

Date of hearing : 13-08-2026

Date of decision : 13-08-2026

ORDER

Adnan Iqbal Chaudhry J. – The Petitioner, same in both petitions, has challenged orders passed by the Department of Plant Protection [DPP] under Rule 46 of the Pakistan Plant Quarantine Rules, 2019 [Rules] for confiscation and destruction or re-export of multiple consignments of betel nuts (areca nuts) imported by the Petitioner.

2. The impugned orders have been passed upon a single lab report finding that aflatoxin levels in the goods are beyond acceptable limits, thus making the goods unfit for human consumption. Learned counsel for the Petitioner confines the relief to an order for suspending destruction or re-export of the goods until another lab test is conducted. He relies on a similar order dated 28.10.2025 passed by this Court in the case of *Imram Shaikh v. Federation of Pakistan* (C.P. No. D-4787/2025 and connected petitions) where a second-lab test

was ordered to eliminate the possibility of an error in lab test or the exposure of samples to the elements before the lab test.

3. Learned counsel for the Petitioner further submits that the consignments subject matter of these petitions were shipped prior to 23.12.2025, and therefore, these are to be processed as per the '*transitional provision*' in DPP's notification dated 16.03.2026, which provision applies the previous standard, instead of the new regulatory framework, for dealing with betel nuts shipped prior to said date. It is pointed out that under the previous standard, the acceptable limit of aflatoxin was 30 ppb, whereas under the new regulatory framework it has been reduced to 15 ppb.

4. Learned counsel for the Respondents inform that as per the SOPs notified by the DPP on 04.06.2026 upon the Prime Minister's directive, all consignments of betel nuts held-up at the port have to undergo a re-sampling and re-testing anyway; therefore, the Respondents do not oppose the prayer for a second lab-test. They also acknowledge that as per the summary approved by the Prime Minister on 04.08.2026, the previous standard of 30 ppb would be applied to consignments shipped prior 23.12.2025.

5. In view of the foregoing, where the parties do not appear to be at issue on a second-lab test of the subject consignments, these petitions are allowed in following terms:

- (i) consignments of betel nuts subject matter of these petitions, shipped prior to 23.12.2025 but still at the port after DPP's release orders, shall be processed by the DPP under the '*transitional provision*' of its notification dated 16.03.2026, however, after re-sampling and re-testing as per the SOPs dated 04.06.2026 and Prime Minister's directive dated 04.08.2026 to apply the aflatoxin standard of 30 ppb to such consignments;
- (ii) the re-sampling shall be done in the presence of the Petitioner's representative at the earliest, and the samples shall be sent for testing at the Petitioner's cost and without delay to the other

lab on the panel of the DPP i.e. the Punjab Agriculture, Food & Drug Authority Laboratory (PAFDA), Lahore;

- (iii) till such time, the orders of confiscation impugned in these petitions shall remain suspended. In the event, the second lab test also returns with aflatoxin levels exceeding the acceptable limit as aforesaid, the order of confiscation shall stand revived.

Office shall place a copy of this order in the connected petition listed above.

JUDGE

JUDGE

*SHABAN**