

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Adnan Iqbal Chaudhry

C.P. No. D – 2069 of 2026

[M/s. Sadaf Enterprises v. The Pakistan & others]

Petitioner : M/s. Sadaf Enterprises through Mr. Hameedullah Dahri, Advocate along with Altaf Hussain Lund, Advocate.

Respondent No.1 : The Pakistan through Ms. Mehreen Ibrahim, Deputy Attorney General for Pakistan.

Respondent No.2 : Nemo.

Respondent No. 3 : Collectorate of Customs through Mr. Khalid Mehmood Rajpar, Advocate.

Date of hearing : 03-09-2026

Date of decision : 03-09-2026

ORDER

Adnan Iqbal Chaudhry J.- Grievance of the Petitioner is that GD No. KPPE-SB-220913 dated 17.03.2026 filed by it for exporting a consignment of ready-made fabrics has been put on hold by the Collectorate of Customs (Exports) PMQB (Respondent No.3) solely on the ground that the Petitioner is booked in two FIRs for the offence of smuggling. Learned counsel for the Petitioner submits that firstly, said FIRs are in respect of other consignments, and secondly, even if criminal cases are pending against the Petitioner, that is no ground to stop him from further exports, especially when subject consignment has already been examined by the Customs and no contravention report has been issued.

As per the comments filed by the Customs, subject consignment was put on hold when it was discovered that while exporting two other consignments of fabrics, the Petitioner attempted to smuggle *Trama King Tablets* out of Pakistan concealed within those consignments, leading to said FIRs and followed by an Order-in-Original [OnO] under section 179 of the Customs Act, 1969

[Act] for imposing penalty for the offence of smuggling. It is further stated that given these events, the Petitioner has been blocked from accessing the Customs Computerized System. Responding to that, learned counsel for the Petitioner submits that the FIRs have yet to be tried by the Special Judge Customs, whereas the OnO has been appealed by the Petitioner before the Customs Appellate Tribunal.

It is apparent from the comments filed by the Customs that subject consignment has been put on hold not because the goods offend any provision of the Act, but to punish the Petitioner for the attempt to commit smuggling whilst exporting other consignments. Learned counsel for the Customs is unable to cite any provision of the Act or any order passed thereunder to support such a hold. It is not the case of the Customs that the hold has been placed to effect recovery under section 202 of the Act. Even under section 155F of the Act, the Unique User Identifier of a registered user of the Customs Computerized System can only be suspended or cancelled upon 'conviction' for an offence under the Act. Admittedly, there is no such conviction against the Petitioner.

For the foregoing reasons the petition is allowed. Respondents 2 and 3 are directed to lift forthwith the hold placed on the Petitioner's consignment under GD No. KPPE-SB-220913 dated 17.03.2026.

JUDGE

JUDGE

**PS/SADAM*