

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.D-5951 of 2020

Date Order with signature of Judge

D/o matter

For hearing of CMA No.24007 of 2021

2.11.2021.

Mr. Attiq-ur-Rehman Mirza, Advocate for the petitioner
Mr. Kafeel Ahmed Abbasi, DAG

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It appears that this petition was dismissed for non prosecution vide order dated 10.09.2021. Through the listed application, petitioner`s counsel seeks restoration of this petition to its original position on the premise that on 10.9.2021 his non attendance was bonafide due to his illness and moreover he hails from Lahore. The application is allowed and the petition is restored to its original position as was on 10.09.2021.

Learned counsel submits that an additional amount of duty and taxes was retrieved by the customs department on the count that the petitioner was non-active filer.

On the last date of hearing i.e. 20.10.2021, following order was passed :

“The department has engaged Ms. Afsheen Aman, Advocate, however, neither any comments are filed nor she is in attendance today. Counsel for the petitioner hails from Lahore and for no reason, today this matter is being adjourned. Had the comments be filed, we could have looked into and decide the controversy, hence we are issuing notice to the department/respondent Nos.2, 3 and 4 directly so that the needful be done and at least comments be filed before the next date of hearing, since very short controversy is involved.”

Today, learned counsel placed before us some online verification reports of FBR of the relevant period to disclose that the petitioner was an active filer of the period before and after filing of the goods declaration. The same are taken on record. Hence, there was no occasion for the customs authorities to claim additional taxes on the aforesaid count as being non filer, which the petitioner paid to them by virtue of pay order and the same is still retained by the customs authorities.

Mr. Kafeel Ahmed Abbasi, learned DAG present in court, has seen the online verification reports of FBR, however, he is not sure as to why the customs department has claimed additional taxes on the aforesaid count from the petitioner being non active filer. This being the situation, learned counsel for the petitioner requests that the customs department be directed to decide the controversy on the basis of online verification reports issued by FBR filed today by him which disclosed the status of the petitioner as active filer pertaining to the period before and after filing of the goods declaration. Order accordingly. Such decision/action be taken by the department in a week`s time and compliance report be filed.

In the aforesaid terms instant petition stands disposed of alongwith pending application [s].

Copy of this order be forwarded to learned DAG for immediate compliance.

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Mush/ps