

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D- 3647 of 2018

Date _____ Order with signature of Judge _____

Priority.

1. For hearing of Misc. No. 16504/18.
2. For hearing of main case.

27.04.2021.

Mr. Aqeel Ahmed Khan, Advocate for Petitioner.
Dr. Shahnawaz Memon, Advocate for respondent.
Mr. Kafeel Ahmed Abbasi, DAG.

This Petition was filed by impugning a show cause notice and though on 09.05.2018, a restraining order was passed and on 16.04.2019 respondents were even directed to consider the request of the Petitioner for testing of the goods in question through PCSIR Laboratory; however, today we have confronted the Counsel for the Petitioner as to any further adjudication of the petition as well as its maintainability, and to this learned Counsel submits that show cause notice has been issued on the basis of a Circular dated 20.07.2017 issued by an Additional Collector, whereas, Adjudicating Authority cannot be influenced by any such Circular, and moreover, the test results of PCSIR Laboratory are in favour of the Petitioner, whereby, it has been confirmed that goods in question are non-hazardous. He submits that Petitioner would be satisfied with disposal of the Petition, if directions are issued to the adjudicating authority to decide the matter without being influenced by the impugned Circular dated 20.07.2017 and after considering the test reports now available pursuant to directions of the Court.

In the circumstances, since a show cause notice has already been issued, whereas, certain orders have already been passed, we do not see any further reason to keep it pending and decide it on merits;

accordingly, this Petition is disposed of by directing the concerned adjudicating authority to decide the matter preferably within a period of 30 days from today in accordance with law and after affording opportunity of hearing to the Petitioner, without being influenced by the impugned Circular in question. The adjudicating authority may also consider the test reports issued pursuant to lab tests carried out on the directions of this Court.

With these observations, the petition stands disposed of with pending applications.

J U D G E

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