

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No. D-7910 of 2015

Date	Order with signature of Judge(s)
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Priority

1. For orders on office objection.
2. For hearing of CMA No.38841/2015.
3. For hearing of main case.

14.10.2020

Mr. Muhammad Khalid Hayat, advocate for the petitioners.
Mr. Khalid Rajper, advocate for the respondent No.2.
Mr. Muhammad Ahmer, Assistant Attorney General.

This petition was filed against the seizure of oil tanker along with 10,000 liters of High Speed Diesel ('HSD'). During pendency of the proceedings, oil tanker was released by the Customs department, whereas, HSD has been auctioned, during pending adjudication proceedings and the appeal before the Tribunal. It is informed that the petitioner has now been successful in appeal. It further appears that the respondent No.2 has addressed a letter dated 22.01.2016 to the Collector MCC-Preventive, Custom House, Karachi, appraising the fact regarding the decision in appeal by the Tribunal and the amount of auction proceeds deposited with the said Collectorate.

In view of such position, since the petitioner's appeal has been allowed against which no further proceedings are pending, whereas, the goods have been auctioned, let petitioners be dealt with under Section 201 of the Customs Act, 1969, which provides for procedure for sale of goods and application of sale proceeds. The petitioners claim under the Act read with rules shall be decided by the concerned Collectorate who has auctioned HSD and is retaining the auction amount. Such exercise shall be carried out by the Collector MCC-Preventive, Custom House, Karachi, within 60 days from today.

Petition stands disposed of in above terms.

JUDGE

JUDGE