

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3944 / 2015

Date	Order with signature of Judge
------	-------------------------------

- 1) For hearing of Misc. No. 17517/2015.
- 2) For hearing of main case.

20.10.2015.

Mr. Johar Abid Advocate for the Petitioner.
Mr. Asim Mansoor Khan DAG.
Mr. Ilyas Ahsan Appraising Officer Legal.

Through instant petition the petitioner has impugned the blocking of its NTN and user IDas well as detention of GD No. KPAF-HC-49232-10-06-2015 / airway bill No. 4210158271.

Counsel of petitioner submits that the petitioner's husband is a licensee of the Customs Department vide license No. 2044, whereas, the NTN and user ID has been blocked on the sole ground that her husband is in custody of Pakistan Rangers for his alleged involvement in some criminal case. Counsel submits that neither prior to blocking of NTN nor thereafter, any Show Cause Notice has been issued, whereas, per Counsel all duties and taxes have been paid in respect of GD in detention. Counsel submits that though at the time of filing of instant petition, authorization to sign documents on behalf of licensee was pending in terms of Rule 97 of the Customs Rule, 2001 however, during pendency of this petition such authorization as provided in Form "E" has also been accepted by the Customs Department. In such circumstances, Counsel prays that respondents be directed to restore the NTN and user ID and so also release the goods in question.

On the other hand respondents have filed comments which reflects that till date neither any Show Cause Notice has been issued nor any further proceedings have commenced against petitioner's husband, whereas, the NTN and user IDis blocked on the basis of some information provided by Pakistan Rangers as well as print media. Insofar as acceptance of Form "E" in terms of Rule 97 of the Customs Rule 2001 is

concerned, the same has not been controverted by the respondents as well as by the departmental representative.

We have heard both the Counsel and the departmental representative and have also perused the record. There is nothing on record before us which could suggest, except the detention of the petitioner's husband by the Pakistan Rangers, in some criminal matter, that any Suspension circular or Show Cause Notice or for that matter any other proceedings which have commenced against the petitioner's husband in respect of blocking of NTN and user ID. Mere fact that the licensee is under arrest or in detention with any agency for his alleged involvement in some criminal activity, does not ipso facto entitles the respondent to block the user ID / NTN of the licensee. Record reflects that the duties and taxes in the instant matter were paid on 10.6.2015, whereas, instant petition was filed on 1.7.2015 and till date we have not been assisted that as to whether any show cause notice or suspension circular was issued in terms of the Act / licencing rules.

In such circumstances, we are left with no option but to allow instant petition by directing the respondents to de-block the NTN and user ID of petitioner's husband and release the goods declaration in question if otherwise in accordance with law. Similarly if the respondent's intent to proceed against the petitioner's husband either for suspension of license or revocation of the same, they shall be at liberty to proceed further, however, strictly in accordance with law and the Licencing Rules 2001.

Petition stands allowed in above terms.

JUDGE

JUDGE

ARSHAD/