

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-7419 / 2015

Date	Order with signature of Judge
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- 1) For hearing of CMA No. 36585/2015.
- 2) For hearing of main case.

2.12.2015.

Mr. Muhammad Afzal Awan Advocate for Petitioner.
Mr. Asim Mansoor Khan DAG.
Mr. Kashif Nazeer Advocate for respondent No. 2 & 3.

Through instant petition, the petitioner seeks release of his consignment as the petitioner is willing to deposit the differential amount of duty and taxes with the Nazir of this Court adjudicated vide Order-in-Original No. 409076-21082015.

Counsel for petitioner submits that the petitioner has preferred an appeal against the said Order-in-Original before the Collector of Customs (Appeals), and despite requests by the petitioner, neither the goods in question are being released, nor they are being shifted to Customs Bonded Warehouse (Common Pool Fund), whereas, the demurrage charges are accruing unnecessarily. .

Mr. Kashif Nazeer has filed Vakalatnama on behalf of respondents No. 2 & 3 and submits that since an appeal has already been preferred by the petitioner, therefore, such request if any can be made to the appropriate Appellate Authority and not through instant petition. He however, submits that necessary directions be issued to the concerned Collector of Customs (Appeals) to finally decide the matter within a period of 30 days so as to redress the grievance of the petitioner.

Be that as it may, since demurrage charges are piling up on daily basis, whereas, the petitioner has challenged the Order in Original, we feel it appropriate to dispose of instant petition, by directing the petitioner to *either* deposit the differential amount of duty, taxes, fine and penalty before the Nazir of this Court by way of Pay Order / Bank Guarantee, as adjudicated in the Order-in-Original **OR** *in the alternative*, if the petitioner does not wishes to deposit the same, and approaches the respondent department for removal of goods to Customs Bonded Warehouse (Common Pool Fund only) the same shall be facilitated and allowed by the respondent department without fail.

Petition stands disposed of in the above terms.

JUDGE

JUDGE