

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-226 / 2016

Date	Order with signature of Judge
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- 1) For hearing of CMA No. 865/2016.
- 2) For hearing of main case.

13.10.2020.

Mr. Farhan Minhas a/w Mr. Asif Ali Advocates for Petitioner.
Mr. Muhammad Ahmar Assistant Attorney General.
Mr. Javed Ahmed holding brief for
Mrs. Masooda Siraj Advocate for Respondent.

Through this Petition, the Petitioner (Custom Clearing Agent) has impugned Show Cause Notice dated 01.02.2011 issued by the Respondents on the ground that the Petitioner after clearance of the goods handed over the consignment to NLC for onwards transportation to Afghanistan which ended its responsibility; hence, the Show Cause Notice is without lawful authority and jurisdiction.

On the other hand, learned Assistant Attorney General has opposed the Petition that merely a Show Cause Notice has been issued and opportunity has been provided to the Petitioner to respond to the same.

We have heard the learned Counsel for the Petitioner and the learned Assistant Attorney General and have perused the record. It is settled law that mere issuance of Show Cause Notice does not give rise to a cause of action in each and every case and the authority as well as jurisdiction of the concerned officer can also be impugned and objected to before the said Officer. In this matter, the Petitioner has even responded to the Show Cause Notice and thereafter, on mere apprehension has come before this Court challenging the same Show Cause Notice.

In view of the above, we are of the opinion that instant Petition at this stage is not maintainable as the Petitioner has availed the alternate remedy by responding to the Show Cause Notice, therefore, the same is disposed of by directing the Respondents to pass appropriate orders on the Show Cause Notice after considering the reply thereof with full opportunity of hearing to the Petitioner within a period of 60 days from the date of this order and in the interregnum the Respondents shall not take any adverse action against the Petitioner.

With these observations, the Petition stands disposed of with pending application(s).

J U D G E

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Arshad/