

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 7130 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

Priority

1.For hearing of CMA No.31100/21 (stay)

2.For hearing of main case

01.03.2022

Mr. Imran Iqbal, advocate for petitioner

Mr. Aamir Raza, advocate for respondent No.3

Mr. Kafeel Ahmed Abbasi, DAG for respondent No.1

This petition has been filed on the ground that the respondent No.2 vide its Letter dated 22.10.2021, has confiscated the consignment of the petitioner imported from Zimbabwe. Learned counsel for the petitioner states that from this Confiscation Letter, it is evident that respondent No.2 has not mentioned any particular clause of the Import Permit, which has been violated by the petitioner and in a cursory manner, has simply mentioned that the consignee has failed to fulfill the requirements of Import Permit. Learned counsel states that if the respondent No.2 had given the valid reason of confiscation of the consignment, the petitioner would have removed the same in accordance with law, however, since no proper and particular reason for confiscation of the consignment from Import Permit has been mentioned, hence, the petitioner is unable to get its consignment released.

Despite proper service of notice, nobody has appeared on behalf of the respondent No.2. We, therefore, are left with no option but to proceed the matter *exparte* against them.

Learned DAG and learned counsel for the respondent No.3 though have opposed the instant petition but could not controvert the fact that the respondent No.2 while confiscating the consignment of the petitioner, has not mentioned any reason as to which clause of the Import Permit has been violated by the petitioner.

The matter has been heard and the record has been perused.

The record clearly reveals that no reason whatsoever has been given by the respondent No.2 for confiscating the consignment imported by the petitioner, though a vague remark, it has been mentioned that the consignee did not fulfill the requirements of Import Permit but no particular clause has been mentioned while confiscating the consignment from Import Permit to enable the petitioner to get its consignment released after fulfilling the requirements so that the consignment may be released in accordance with law.

It is a settled proposition of law that every authority vested with some powers while exercising such powers should do so in accordance with law and while accepting or rejecting any claim, any valid and cogent reason has to be mentioned. The attention in this regard may be invited to clause 24-A of the General Clauses Act, 1897.

We, therefore, under the circumstances of the matter, direct the Director General, Department of Plant Protection (DPP), Karachi, to reconsider the matter and examine the consignment imported by the petitioner afresh and while accepting or rejecting the consignment imported by the petitioner, mention pinpoint the particular clause of condition of Import Permit specifically as to why and how the consignment cannot be released. It is expected that such exercise would be done, preferably, within a period of fifteen (15) days from the date of receipt of this order. Office is directed to send a copy of this order to the respondent No.2 under intimation.

With the above directions, the instant petition along with listed application stands disposed of.

JUDGE

JUDGE

Ashraf