

IN THE HIGH COURT OF SINDH, KARACHI

PRESENT :

MR. JUSTICE AQEEL AHMED ABBASI
JUSTICE MRS. KAUSAR SULTANA HUSSAIN

Constitution Petition No. D – 4776 of 2022

FRESH CASE

1. For orders on Misc. No. 20298/2022.
2. For orders on Misc. No. 20299/2022.
3. For hearing of Main Case.
4. For orders on Misc. No. 20300/2022.

17.08.2022:

Mr. Ali Almani, advocate for the petitioner.

O R D E R

1. Granted.

2-4. Learned counsel for the petitioner submits that against an Order-in-Original No. 909 of 2021 – 22 passed by the Collector of Customs [Adjudication-II], Karachi/respondent No.4, petitioner has preferred an appeal alongwith stay application before the Customs Appellate Tribunal, however, no order has been passed either on the main appeal or on the stay application, whereas, respondents intend to take coercive action against the petitioner for the recovery of the disputed amount during pendency of appeal. It has been contended by the learned counsel for the petitioner that under similar circumstances, this Hon'ble Court has been pleased to direct the respondents not to seek enforcement of the recovery of the disputed amount till final decision by the learned Customs Appellate Tribunal, either on the stay application or on the main appeal. In support of his contention, learned counsel for the petitioner has placed on record copies of orders passed by this Court in C.P. No. D – 3186 of 2020 [Re: Pakistan Telecommunication Company Limited v. Federation of Pakistan through Secretary Revenue Division & others]; C.P. No. D – 2090 of 2021 [Re: Thal Limited v. Federation of Pakistan through Secretary

Revenue Division & others]; & C.P. No. D – 4348 of 2022 [Re: National Foods Limited v. Pakistan through Secretary Revenue Division & others]. Hence, prays accordingly.

In view of earlier orders passed by this Court in similar petitions, we would dispose of instant petition with the directions to the petitioner to approach the learned Customs Appellate Tribunal by filing an urgent application for hearing either of the stay application or main appeal at an early date.

It is expected that learned Customs Appellate Tribunal may pass appropriate order after hearing the parties, preferably, within a period of four (4) weeks from the date of receipt of this order, which shall be communicated to the learned Customs Appellate Tribunal by the petitioner within seven (7) days. However, till then, respondents may not seek enforcement of recovery of the disputed amount, which is subject matter of Appeal No.K-1782/2022 pending before the learned Customs Appellate Tribunal.

Petition stands disposed of in the above terms alongwith listed applications.

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A.S.