

IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition No. D – 5062 of 2022

&

Const. Petition No. D – 5063 of 2022

PRESENT:

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

Fresh Case

C.P. No. D – 5062 of 2022:

1. *For orders on Misc. No. 21576/2022.*
2. *For orders on Misc. No. 21577/2022.*
3. *For hearing of Main Case.*
4. *For orders on Misc. No. 21578/2022.*

C.P. No. D – 5063 of 2022:

1. *For orders on Misc. No. 21579/2022.*
2. *For orders on Misc. No. 21580/2022.*
3. *For hearing of Main Case.*
4. *For orders on Misc. No. 21581/2022.*

01.09.2022:

Dr. Shahab Imam, advocate for the petitioners
a/w. Rana Sakhawat Ali, advocate.

O R D E R

1. Granted.

2-4 Through instant petitions, the petitioners challenged the imposition of Regulatory Duty upon the animal feed through amending SRO 1571(I)/2022 dated 22.08.2022 vide amendment made in SRO 966(I)/2022 dated 30.06.2022, on the grounds that said amendment is confiscatory, expropriatory, discriminatory and ultra vires to Constitution. According to learned counsel, imposition of Regulatory Duty on the raw material to be used for the purposes of manufacturing of dairy feed violates the very purpose of imposition on Regulatory Duty on the one hand, and is likely to destroy the dairy industry, which will have direct negative effect on the pricing on the milk and dairy products and would affect public at large. Learned counsel for the petitioners has however, submitted that representation in this regard were made to the Finance

Minister, but no response was received, therefore, petitioners had no option but to file instant petitions, seeking a declaration in the aforesaid terms.

It has, however, been contended by the learned counsel that a fresh SRO 1633(I)/2022 dated 30.08.2022 has been issued by the Ministry of Finance and Revenue [Revenue Division], Government of Pakistan, whereby, further amendment has been made in the impugned SRO, according to which, in the Table, in column (1) against S.No.121A, in column (3), for the entry "Other" the entry "Cat and dog food" has been substituted and resultantly, the Regulatory Duty on the raw material to be used of manufacturing of animal feed is no more applicable. Learned counsel for the petitioners submits that in view of such amendment, the purposes of filing of instant constitutional petitions is served out, therefore, petitioners do not want to press instant petitions, however, submits that in case the respondents will misinterpret the above SRO, the petitioners may be allowed to approach this Court by filing fresh proceedings in accordance with law.

Since the petitioners do not want to press instant petitions in view of above amending SRO, instant petitions are dismissed as not pressed. However, in case of any adverse inference drawn by the respondents, pursuant to issuance of amending SRO, petitioners may be at liberty to seek remedy by approaching the relevant forum for redressal their grievance, in accordance with law.

Instant Constitutional Petitions stand dismissed in the above terms alongwith listed applications.

JUDGE

JUDGE

A.S.