

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitution Petition No.D-2837 of 2022

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DATE	ORDER WITH SIGNATURE OF JUDGE
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Priority

1. For hearing of Misc. No.12534/2022
2. For hearing of main case

**27.02.2023.**

Mr. Daniyal Muzaffar, advocate for the petitioner  
Ms. Fozia Muhammad Murad, advocate for respondent  
Qazi Ayazuddin Qureshi, Assistant Attorney General

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Through this petition the petitioner seeks implementation of Order-in-Original No.950/2021-22 dated 11.04.2022. Learned counsel submits that despite passing of order in favour of the petitioner the respondent Collectorate has not implemented the same and the vehicle in-question is yet to be released.

We have heard the learned counsel and perused the record.

The operative part of order-in-original reads as under:-

*05. I have examined the case record submitted by the advocate of Embassy of the Republic of Korea, Islamabad and same was also confronted to the departmental representative. They provided the copies of GD No. KEWG-PP-22454 dated 19.06.2018, sale permission letter No. P. (IV)-10/69/2021/36943/47 dated 08.02.2021 issued by Ministry of Foreign Affairs Islamabad, and Ministry of Foreign Affairs issued revalidation letter No. P (IV)-10/69/2021/57953/25 dated 26.01.2022. The documents submitted by the advocate of embassy were examined. The papers revealed that the impugned car Toyota Camry chassis No. AVV50-1027053 was duly imported by M/s Embassy of the Republic of South Korea vide GD No. KEWG-PP-22454 dated 19.06.2018. The PRAL has also confirmed the particulars of the impugned vehicle as legally imported in country. The sale permission No. P(IV)-10/69/2021/36943/47 dated 08.02.2021 shows that the embassy of Korea has got permission to sale the vehicle in Pakistan. But the sale has not been materialized as yet. Now the embassy has requested Collectorate for issuance of NOC vide letter No. MKA-2022/05-FM dated 31.01.2022. The Collectorate of Appraisement (East), Karachi vide letter No. SU/MISC/KAPE/ PRIV/02/2022-VII dated 10.02.2022 has issued letter for verification. In compliance of the Collectorate of Customs (East), Karachi's letter the Ministry of Foreign Affairs authenticates the genuines of the sale permission and revalidation of the impugned vehicle vide their letter No. P(IV)-10/69/2022/22 dated 16.02.2022. This shows that the sale of vehicle is in process. In view of above, discussion, it is confirmed that the vehicle is bonafide import by Mr Uh Jaesun (Director General) of Korean Embassy and now being sold to Pakistani national under legal documents which are under process. It is established that the vehicle is not smuggled, therefore, the impugned vehicle shall be released to the bonafide owner of Embassy of Korea"*

On perusal of the aforesaid observation of the Adjudicating Authority, it appears that though a favourable order has been passed in respect of the vehicle in question however, it is further ordered that the impugned vehicle shall be released to the bonafide owner of Embassy of Korea. Insofar as the present petition is concerned, the same has been filed by one Mehmood Ahmed on his own behalf and not by the Korean Embassy as such. While confronted, learned counsel for the petitioner has not been able to satisfactorily respond except that some mistake has been made in the title, whereas, the petitioner is the authorized person of the Embassy. However, we are not inclined to agree his suggestion as apparently it is only the Embassy of Korea which can seek the implementation of order in question and, therefore, this petition being misconceived is hereby dismissed.

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Amjad/PA