

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-4450 / 2023

Date

Order with signature of Judge

PRIORITY.

- 1) For hearing of Misc. No. 20538/2023.
- 2) For hearing of Misc. No. 20546/2023.
- 3) For hearing of main case.

17.11.2023.

M/s. Muhammad Yousuf Alam & Muhammad Ali Danish,
Advocates for Petitioner.
Mr. Qazi Ayazuddin Qureshi, Assistant Attorney General.
Ms. Afsheen Aman, Advocate for Respondent No. 5.
Mr. Umar Sajjad, Deputy Collector Appraisal West KICT.
Ms. Khumaira, Deputy Collector West.
Mr. Aboaz, Entomologist & Mr. M. M. Zohaib, Entomologist.

Pursuant to earlier orders, Mr. Umar Sajjad, Deputy Collector Appraisal West KICT has submitted his explanation and tender's apology for violating the Court's order, whereby, it was directed that the report of the laboratory shall be placed before the Court in a sealed envelope. His explanation is accepted but he is warned to be careful in future.

It appears that pursuant to a Lab Report dated 11.9.2023 issued by Respondent No.4, the consignment of Blanched Peanuts imported by the Petitioner has been confiscated vide order dated 12.09.2023 by Respondent No.2 on the ground that Aflatoxin in the provided samples is not complying with USA / FDA standard. The Petitioner being aggrieved filed instant petition mainly on the ground that samples were not drawn properly by Respondent No.2 and had prayed for another test through some other independent accredited Laboratory.

On 31.10.2023 an order was passed by this Court for retesting of the goods in question through MNS University of Agriculture, Multan, which is an accredited Laboratory of

Respondent No.2, whereafter samples were drawn by Customs in presence of all including Respondent No.2, and today report dated 06.11.2023 has been placed before us which reflects that the level of Aflatoxin (ppb) is 4.8, 4.9 & 4.9 in the three (3) containers imported by the Petitioner, as against the earlier level of 35 ppb reported by Respondent No.4. It is further stated that Aflatoxin level is within the permissible limits. Today it has been conceded before us by the Respondents that as per the requirement of law, maximum level of Aflatoxin must not be higher than 20 ppb.

In view of such position, the report furnished pursuant to our order dated 31.10.2023 is taken on record. The order of confiscation passed by Respondent No.2 stands set-aside / recalled. The Plant Protection Department is directed to issue release order immediately and thereafter, the consignment in question be released by the Customs, if otherwise found to be in accordance with law.

In view of the above, Petition has served its purpose and stands disposed of with pending application(s).

J U D G E

J U D G E

Arshad/