

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No. [-] 1957 of 2023

Rabistar Business (Private) Limited vs. Collector of Customs & others

Date: Order with signature of the Judge

1. For hearing of CMA No.15171/2023
2. For orders on office objection at flag "A"

09.10.2023

Mr. Imran Iqbal Khan, advocate for the plaintiff

Mirza Nadeem Taqi, advocate for defendants No.1 & 2

Mr. Aamir Zeb Khan, Assistant Attorney General

1. Per record, consignment of the plaintiff arrived at the port in March 2023. Thereafter, they have not been cleared no account of some dispute reportedly between the plaintiff and defendant No.3, both of whom are situated outside the remit of this Court, as denoted from the title. Mirza Nadeem Taqi, advocate for defendants No.1 & 2 submits that per section 82 of the Customs Act 1969, a consignment can be at the port for a period of fifteen days; which period can be extended for further period of five days¹. Learned counsel submits that such period has already expired and there is no justification for the said defendants / Customs Department to continue to hold the consignment. Plaintiff's learned counsel remained unable to articulate any cavil to the preponderant law, demonstrating that the auction notice was within jurisdiction, and no infirmity in such regard could be identified before this Court. Admittedly, the consignment has remained at the port for more than seven months and no case could be made out to perpetuate the same indefinitely. In view hereof, the present application is found to be devoid of merit, hence, hereby dismissed.

2. To be addressed on the next date; adjourned.

J U D G E

Amjad/PA

¹ 82. Procedure in case of goods not cleared or warehoused or transshipped or exported or removed from the port within fifteen days after unloading or filing of declaration. If any goods are not cleared for home-consumption or warehoused or transshipped or are not loaded on the conveyance for export or removed from the port area within fifteen days of their arrival at a customs station or within such extended period not exceeding five days, an officer not below the rank of Assistant Collector may allow, and such goods may, after the due notice given to the owner if his address could be ascertained, or after due notice to the carrier, shipping or customs agent, custodian of the goods, as the case may be, if his address could not be ascertained, may be sold in auction...