

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

(Constitutional Jurisdiction)

CONSTITUTIONAL PETITION NO. D-<sup>5624</sup>

Registered on 20-11-2023

2023

Additional Registrar (Wri)

Naila, wife of Shahid,  
Sole proprietor of M/s. Jiya International,  
F-540-A, Site Area, Karachi

Through their attorney, Karim Sawani S/o Essa Bhai Muhammad,  
having CNIC No. 42101-1647853-9.....PETITIONER

Versus

1. **THE FEDERATION OF PAKISTAN,**  
Through its Secretary Revenue Division,  
Ministry of Finance, Economic Affairs & Revenue,  
Islamabad.
2. **THE COLLECTOR OF CUSTOMS,**  
MCC-Appraisalment & Facilitation (West),  
Customs House, Karachi.
3. **THE DIRECTOR,**  
Directorate General of Intelligence & Investigation-Customs,  
Regional Office, 81-C, Block-6,  
P.E.C.H.S., Karachi
4. **THE TERMINAL OPERATOR,**  
Karachi International Container Terminal (KICT),  
Karachi.....RESPONDENTS

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF  
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully sheweth;

FACTS

1. That the petitioner is a duly registered sole proprietor, engaged in import and trading of items such as Shortening (palm fat), premium cote, and refined, bleached, and dried (RBD) Palm oil and other items. The said items are imported by the petitioner from Indonesia and other sources.



ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-5624 of 2023

DATE	ORDERS WITH SIGNATURE OF JUDGE(S)
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Priority

1. For hearing of Misc. No.26097/2023
2. For hearing of main case

12.03.2024

Mr. Darvesh K. Kandhan, Advocate for the petitioner.  
Mr. Khaleeq Ahmed, DAG  
Mr. Faheem Raza, Advocate for Respondent No.2

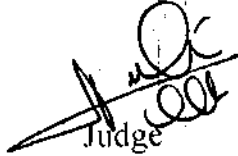
After arguing the matter at some length, learned counsel for the petitioner submits that he would be satisfied and not press the instant Petition if the Respondents are directed to provisionally release the consignments of the petitioners as the ports detention and demurrage charges are accumulating. Per counsel petitioner is ready and willing to secure the disputed amounts of duties and taxes on the subject consignments before the Nazir of this Court in the shape of pay-order and or bank guarantee. He also prayed that the respondents be also directed to issue delay detention certificate. The learned counsel for the Respondent does not oppose the above submission of the learned counsel for the petitioner.

Accordingly, respondents are directed to allow provisional release of the petitioner's consignments subject to securing the disputed amount of duties and taxes before the Nazir of this Court in the shape of pay-order and or bank guarantee which shall not be encashed till final decision/ adjudication by the concerned Collectorate. The request of the Petitioner for



issuance of delay detention certificate may also be considered in accordance with law.

Petition alongwith listed application stands disposed of.

  
Judge

  
Chief Justice

Naseem