

IN THE HIGH COURT OF SINDH, KARACHI
C. P No. 1468 / 2019

Date

Order with signature of Judge

PRIORITY

- 1) For hearing of CMA No. 6664/2019.
- 2) For hearing of main case.

26.09.2024.

Mr. Sanaullah Khan holding brief for
Mr. Asad Raza Khan, Advocate for Petitioner.
Mr. Kashif Nazeer, Assistant Attorney General.
Mr. Sardar Zafar Hussain, Advocate for Respondent.
Mr. Ghulam Murtaza, Advocate for Respondent.

Through this Petition, the Petitioner has prayed for the following relief:-

- I. Set aside / quash the Auction Notices issued by the Respondent Nos. 3 and 4. attached as Annexures B/1 to B/10 to the memo of this petition.
- II. Declare that the Auction Notices issued by the Respondent Nos. 3 and 4. attached as Annexures B/1 to B/10 to the memo of this petition, and auction pursuant thereto by the Respondent Nos. 3 and 4 is unlawful and illegal while the issue vis-à-vis application of FE Circular No. 07 of 2018 and BPRD Circular No. 02 of 2017 is presently pending before the Respondent No. 5.
- III. Declare that ten (10) vehicles, details whereof are attached as Annexures G/1 to G/10, are not fit for auction in terms of Section 82 of the Customs Act, 1969, while the representation is pending before the Respondent No. 5.
- IV. Declare that no action detrimental to the interest of the Petitioner can be taken on the basis non-filing of goods declarations / non-clearance of goods until the issue vis-à-vis operation of FE Circular No. 07 of 2018 and BPRD Circular No. 02 of 2017 is decided by the Respondent No. 5.
- V. Restrain the Respondents, their officers from taking any adverse action against the Petitioner on the basis of the Auction Notices attached as Annexures B/1 to B/10 to the memo of the title petition.
- VI. Granted any other relief deemed just and appropriate in the circumstances of the case.
- VII. Grant costs of petition."

On 04.03.2019, an interim order was passed whereby, the Customs department was restrained from auctioning the subject vehicles; and today Counsel has been confronted as to

maintainability of the Petition against the impugned action of the Customs Department and he has not been able to satisfactorily respond, except that Mr. Asad Raza Khan is not available. Record reflects that the grievance of the Petitioner is with State Bank of Pakistan regarding issuance of Electronic Import Form (“EIF”) before whom, allegedly, the Petitioner had filed some application which stands regretted. The Petition is pending since 2019, and the Petitioner has not made any effort to pursue it with any urgent application and is enjoying the ad-interim order which is against the Customs Department who are bound to act as per the directions and orders of State Bank of Pakistan.

In view of such position, no further case for indulgence is made out; hence this Petition being misconceived is hereby dismissed whereas; the Petitioner is at liberty to approach the State Bank of Pakistan for any further remedy, if so available in law.

J U D G E

J U D G E

Arshad/