

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

**C.P No.D-1519 of 2025**

**[ M/s Chirag Commodities v. Federation of Pakistan through Secy. M/o  
Finance and others ]**

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Order with signature of Judge(s)

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Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Osman Ali Hadi

Hearing

1. For orders on office objection
2. For hearing of CMA No.7620/2025
3. For hearing of main case

**15-05-2025**

Mr. Mukesh Kumar Khatri, Advocate for the petitioner  
Alongwith Mr. Mushtaq Ahmed, Advocate  
Mr. R.D Kalhoro, Assistant Attorney General  
Mr. Alam Zaib, Advocate for respondent No.2 alongwith  
Mr. Babar Jadoon, Advocate

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**ORDER**

**Muhammad Iqbal Kalhoro, J:-** Mr. Alam Zaib, Advocate files Memo of appearance on behalf of respondent No.2, which is taken on record.

2. At the very outset, learned counsel for respondent No.2 submits that the impugned order passed by the Adjudicating Officer of the State Bank of Pakistan is amenable to appeal under Section 23 of the Foreign Exchange Regulation Act 1947. Learned counsel for the petitioner submits that the problem in filing of the appeal is that the same is not admitted until and unless the entire penalty amount is deposited. To which, learned counsel for respondent No.2 submits that the said provision subjecting the appellant to deposit the entire penalty amount has been declared *ultra vires* by the Supreme Court<sup>1</sup>. However, learned

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<sup>1</sup> Through order dated 20.03.2025 passed in C.P No.1477 of 2023. (Re: Senior Joint Director Foreign Exchange Operations Division SBP v. Federation of Pakistan and others).

counsel for the petitioner submits that he has filed this petition because the Adjudicating Officer has no jurisdiction to pass such order.

3. Be that as it may, we are of a view that even question of jurisdiction can be decided by the appellate forum and when there is a provision of statutory appeal provided in the law, the petition against the impugned order would not be maintainable. Therefore, the petitioner may file an appeal before the appellate authority in terms of the above provision, the delay if any, occurred meanwhile, stands condoned. After the appeal is filed, the same shall be decided within a period of two months.

The petition is accordingly disposed of.

JUDGE

JUDGE

B-K Soomro