

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 190 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

- 1. For hearing of main case.
- 2. For hearing of CMA No.2252/2025.

29.01.2026

Mr. Aamir Ali Shaikh, advocate for the applicant.
Mr. M. Sohail Hayat Khan Rana, advocate for the respondent.

Per learned counsel the impugned judgment offends judgment of Division Bench of this Court reported as 2024 PTD 1205. He states that irrespective thereof the impugned judgment is devoid of any independent reasoning, deliberation and/or discussion and that the same is a non-speaking order, which is not befitting the final fact-finding forum in the statutory hierarchy.

Learned counsel draws attention to the impugned judgment to demonstrate that it is entirely predicated on reproduction and is *prima facie* devoid of any independent discussion or deliberation. He demonstrates that eight paragraphs have been rendered in such fashion, whereas it is only paragraph 9 which merely places reliance on such reproduction and rendered in deliberated conclusion. Learned counsel states that same is not befitting judgment of last fact finding forum of the statutory hierarchy. Learned counsel for the respondent remains unable to displace or distinguish the observations cited above.

The Appellate Tribunal is the last fact finding forum in the statutory hierarchy, therefore, it is incumbent upon the same to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed to be emphasized by the Supreme Court in judgments reported as 2019 SCMR 1726. This High Court has consistently maintained that the Appellate Tribunal is required to possess independent reasons and findings and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgment has also maintained that if the impugned order is discrepant in the manner as aforesaid even grant to remand the matter for adjudication afresh. Reliance is placed on judgment dated 10.12.2024 in ITRA 342 of 2024.

We are of the considered view that the impugned judgment could not be treated to be a speaking order prima facie devoid of relevant discussion and deliberation. In view hereof, the impugned judgment is hereby set aside and the matter is remanded back to the Appellate Tribunal for adjudication afresh.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge