

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 1612 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection(s).
- 2. For hearing of main case.
- 3. For hearing of CMA 4308/2023.

03.08.2026

Mr. Mayhar Kazi, advocate for the applicant.
Mr. Faheem Raza Khuhro, advocate for the respondent.

Following questions had been proposed for determination:

- i. Whether the Collector (Appraisement) had jurisdiction to pass the Order-in-Original under sections 3, 4 and 179 of the Customs Act, 1969 and SRO 866(I)/2012 dated 18.07.2012?
- ii. Whether a penalty of Rs.17,300,000 could be imposed under section 156(I)(li) of the Customs Act, 1969 (as against the maximum penalty of Rs.50,000) for a purported violation of rules 58 and 556(ii) of the Customs Rules, 2001?
- iii. Whether penalty for violation of Rule 556(a)(ii) of the Customs Rules, 2001 could have been imposed when applicant was disabled from communicating with Respondent No. 2 in terms of Rule 556(b)(i) of the Customs Rules, 2001 as the Respondents failed to integrate the 'customs computerized system' with the applicant's online system for tracking real-time movement of containers?

Be that as it may, learned counsel for the applicant states that the present challenge confined to the following two issues being (i) whether the Collector Adjudication ought to have been the proper forum of adjudication per SRO 866 of 2012 dated 18.07.2022 and (ii) whether the observation of the learned Tribunal in Paragraph 14 is contrary to the document available at Page 313 hereof dated 16.11.2015 whereby permission had been granted to the applicant in respect of the issue at hand. Learned counsel states that these two questions have not been addressed by the learned Tribunal, therefore, it is just and proper for the impugned Judgment to be set-aside and matter to be decided afresh by the learned Tribunal with the said issues being determined at the very onset. Learned counsel for the respondent articulates no cavil to the

aforesaid, however, seeks that the adjudication be concluded expeditiously, preferably, within 60 days, in accordance with law. Order accordingly.

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

M. Khan