ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

C.P No. D-4754 of 2025

Dated | Order with signature of Judge.

Priority
1. For order on office objection
2. For hearing of CMA No.19881/2025
3. For hearing of main case

11.02.2026.

Dr. Farogh Naseem, Advocate for the Petitioner a/w Muhammad Sharukh Farogh Naseem Advocate, Barrister Sagar Ladhani.
Mr. Agha Shahid Majeed Khan, Advocate for the Respondent a/w Muhammad Zakir, Advocate.
Ms. Mehreen Ibrahim, D.A.G.

The Petitioner imports "sutures", which according to it are classifiable under PCT 9938. Its grievance stems from a letter dated 03.07.2025 addressed by the issued by Government of Pakistan, Revenue Division, Federal Board of Revenue (Customs Wing), to the Collector of Customs (Airport), Custom House, Karachi, reading as follows:

"C. No.3 (6) Tar-I/2012, Pt-IV Islamabad, dated 3rd July, 2025

The Collector of Customs (Airport),
Customs House,
Karachi.

Subject: **ADMISSIBILITY OF EXEMPTION OF CUSTOMS DUTY AND SALES TAX UNDER PCT HEADING 9938 FOR SUTURES**

I am directed to refer to Collectorate of Customs (Airport), Karachi vide letter No.SI/Misc./201/2024/AFU/JIAP dated 04.02.2025 regarding admissibility of exemption of Customs Duty and Sales Tax on "Sutures" under PCT heading 9938 of Pakistan Custom Tariff.

2. The matter was forwarded to Drug Regulatory Authority of Pakistan vide Board's letter dated 23.04.2025 for seeking views/comments. The DRAP vide letter F. No.6-2/2022-MDMC(PT)P-001 dated 27.05.2025 (copy enclosed) has classified the sutures as 'sterile and single use medical devices' instead of disposables. Moreover, as per PCT 9938, the scope of customs duty exemption is restricted to only such disposables as are not manufactured local for Cardiology /cardiac surgery, Neurovascular, Electrophysiology, Endosurgery, Endoscopy, Oncology, Urology, Gynecology. The aspect of forgery of invoices as mentioned in the Intelligence Alert No.4/RE/2024 dated 16.12.2024 issued by the Directorate of Intelligence and 'Investigation-Customs' needs to be probed for necessary legal action against the importer and customs agent.
Encl: as above.

Sd/-
(Muhammad Shahzad Khan)
Secretary (Tariff-I)"

Learned counsel for the Petitioner invites attention to Section 223 of the Customs Act 1969, specifically the proviso and submits that by virtue thereof the aforementioned letter cannot serve to bind the officers of Customs performing Quasi-Judicial functions under that Act or interference with their discretion while determining or adjudicating upon the applicability of PCT 9938 to sutures. He places reliance on the Judgments emanating from the Supreme Court in the cases reported as Assistant Director, Intelligence and Investigation, Karachi vs. M/s. B.R Herman and others PLD 1992 Supreme Court 485, M/s. Central Insurance Co. and others vs. The Central Board of Revenue, Islamabad and others 1993 SCMR 1232, The Central Board of Revenue, Islamabad and others vs. Sheikh Spinning Mills Limited, Lahore and others 1999 SCMR 1442, Collector of Customs, Islamabad vs. M/s. Askari Cement (Pvt.) Ltd.

and others 2020 SCMR 649, and of the Lahore High Court in the cases reported as Kohinoor Raiwind Mills Limited and another vs. Central Board of Revenue through Member, Income-tax, Government of Pakistan, Islamabad and 2 others 2000 PTD 3351, M/s. Crescent Textile Mills Ltd. vs. Federation of Pakistan and others 2001 PTD 3466 and M/s. Gobal Telecom (Pvt.) Ltd. through Duly Authorized Chief Executive vs. Federation of Pakistan through Ministry of Finance, of Finance, Islamabad and others 2007 PTD 1969. Learned counsel appearing on behalf of the Department does not oppose such contention and concedes that those functionaries/authorities are not so fettered in the exercise of their adjudicatory power/function. Under such circumstances, the Petition appears to have served its purpose and stands disposed of accordingly, with the observation that the impugned letter ought not to influence the outcome of any proceedings involving the Petitioner, on the subject as may be pending before the forums performing adjudicatory / Appellate functions under the Act.

JUDGE

JUDGE

TariqAli/PS