

GOVERNMENT OF PAKISTAN  
DIRECTORATE GENERAL OF CUSTOMS VALUATION  
CUSTOM HOUSE KARACHI

File No. DG (V)/Val.Rev/146/2017

Dated 22<sup>nd</sup> June, 2018

Order in Revision No. 18 /2018 under Section 25-D of the Customs Act, 1969  
against Valuation Ruling No. 1202/2017 dated 18-08-2017

- i. This copy is granted free of charge for the private use of the person to whom it issued.
- ii. An appeal against this Order-in-Revision lies to the Appellate Tribunal, Customs having jurisdiction, under Section 194-A of the Customs Act, 1969, within stipulated period as prescribed under the law. An appeal should bear a court fee stamp of Rs.1000/- (Rupees one thousand) only as prescribed under Schedule-II item 22 of the Court Fee Act, 1870 and must be accompanied by a copy of this Order.
- iii. An extra copy of appeal, if filed, should simultaneously be sent to this office for information and record.
- iv. If an appeal is filed, the appellant should state whether he desires to be heard in person or through an advocate.

M/s. Ghazali Brothers

VERSUS

..... PETITIONER

Director, Customs Valuation, Karachi

..... RESPONDENT

Date of hearing

14-05-2018 and 21-05-2018

For the Petitioner

None

For the Respondent

Mr. Altaf Hussain, Valuation Officer

This revision petition was filed under Section 25-D of the Customs Act, 1969 against Customs values determined vide Valuation Ruling No.1202/2017 dated 18-08-2017 issued under Section 25-A of the Customs Act, 1969, inter alia, on the following grounds:

2. That the applicant M/s Ghazali Brothers is one of the regular importers of subject commodities (medical items/equipments) since last so many years. The applicant enjoys high esteem amongst all trade bodies (including KCCI) and amongst business circles doing business of subject commodities.
3. That the Director Customs Valuation invited them as well as traders / stakeholders to appear in the meeting held on 02-08-2017 and advised to produce all relevant supporting documents regarding finalization of Customs assessed value of subject commodities.
4. That they appeared in the meeting with the traders /stakeholders the in scheduled meeting along-with all relevant supporting documents as well as discussed above matter in length.

5. That the traders / stakeholders raised main issue regarding finalization of Custom assessed value of following items:

| Valuation Ruling S.No. | Item Description                       |
|------------------------|--|
| 01                     | Alcohol Swab / Pad                     |
| 02                     | Surgeon Gown Etc                       |
| 08                     | Dignity Sheet (Bed Sheet of Non Woven) |
| 16                     | Nebulizer Mask / Oxygen Mask           |
| 17                     | Nasal Oxygen Cannula / Tube            |
| 23                     | Spino Soft Needle                      |

6. That the Valuation Department issued Valuation Ruling No.1202/2017 dated 18-08-2017 vide letter No. Reg. Misc/25/2016-IX dated 18-08-2017.

7. **Grounds**

- a) That they do not agree with the above valuation ruling because the same seriously harms the interest of the applicant.
- b) That the above valuation ruling indicates above items mainly discussed during the course of meeting.
- c) That no market enquiry conducted as well as the valuation ruling issued without justify the current international markets scenario where the prices stands much lower than the same proposed in valuation ruling.
- d) That above valuation ruling issued arbitrarily at sole discretion of Valuation Department.
- e) The method adopted to determine the customs value for assessment is against the several orders passed by the Honorable High Court of Sindh at Karachi, which clearly directed that Section 25 of the Customs Act, 1969, must be applied in sequence.
- f) That the supplier of above commodities are ready to make shipment of above goods afresh at much lower prices than the Customs values for assessment proposed in above valuation ruling.

8. **Prayer**

Keeping in view of the infirmities and deviation from practices of past valuation ruling the applicant prays as follows:

- a. The Valuation Ruling No. 1202/2017 dated 18-08-2017 required to be revised and the same re-issued in the light of the prices currently prevailed in international markets so that assessment of customs value of above commodities may be completed at fair level smoothly in future.
- b. That Section 25 of the Customs Act, 1969 should be applied in sequence to get the correct values for above commodities.

- c. That till the finalization of the new Valuation Ruling interim relief should be granted.
9. The respondent department was asked to furnish comments to the arguments submitted by the petitioner in the case. Para-wise comments on the petition are given as under:-

**Parawise Comments by Department**

1. Need no comments being the introduction of the importer.
2. Need no comments.
3. Need no comments as details are not given regarding the issue, moreover one of the issue regarding serial no 16 has already been solved in the correction letter of VR issued by the department on 15-09-2017.
4. Need no comments.

**Ground**

- a) Need no comments.
- b) Need no comments.
- c) Denied. All the necessary exercises in pursuit of final Valuation Ruling have been conducted.
- d) Denied.
- e) Denied. As per the methodology described under law, all the methods are followed in sequence.
- f) Valuation Department determined the value after fulfilling all the pre-requisites needed to reach at the conclusion; fresh market inquiry, induction of available data and other procedures were duly followed.

**Prayer**

It is humbly prayed that the contentions made by the petitioner are not substantiated with evidence, that's why carries no weight-age.

**ORDER**

10. Hearings were fixed in the subject case but the opportunities of hearing were not availed by the petitioner. Evidently the petitioner is not interested to defend his application and substantiate his claim. Accordingly, the revision petition is taken up for decision as per merits of the case. The arguments given in the revision application filed by the petitioner under section 25D of the Customs Act, 1969 have been examined. The main contention of the petitioner was that the values determined vide impugned valuation ruling are not reflective of the prevalent market prices and that legal obligations were not met in the process of determination of these values.

11. The departmental representative explained in detail the valuation methodologies adopted by department to arrive at the Customs values determined vide the impugned valuation ruling. In support of his arguments he presented various details of valuation exercise/ working. In view of the foregoing, it is evident that the Valuation Department had duly taken the stakeholders on board while issuing the impugned valuation ruling. They were given sufficient time and opportunity to give their inputs including documentary proof/evidence to substantiate their transaction value. I



