

IN THE HIGH COURT OF SINDH, AT KARACHI

(Original Constitutional Jurisdiction)

CONSTITUTIONAL PETITION NO. D-5247 /2019

08-8-19
Additional Registrar (Writ)

1. M/S. PERFECT CRAFT (SMC-PVT.) LTD.,
Plot No.S-51/1, Maripur Road,
S.I.T.E. Industrial Area, Karachi.

2. M/S. STEEL CRAFT (PVT.) LTD.,
Plot No.S-51/1, Maripur Road,
S.I.T.E. Industrial Area, Karachi.
Through their authorized person,
Mr. Zia , s/o Bahram Khan.

(CNIC No. 42301-3771803-1).....PETITIONER

VERSUS

1. THE FEDERATION OF PAKISTAN,
Through its Secretary Revenue Division,
Ministry of Finance, Economic Affairs & Revenue,
Chairman, Federal Board of Revenue, Islamabad.

2. THE NATIONAL TARIFF COMMISSION,
Through its Chairman,
State Life Building No.5,
Sector F-6/4, Islamabad.

3. THE FEDERAL BOARD OF REVENUE,
Through its Chairman, FBR House,
Constitutional Avenue, Islamabad.

4. THE CHIEF COLLECTOR OF CUSTOMS (SOUTH),
MCC-Appraisalment (East/West/PMBQ),
8th Floor, Custom House,

Karachi.....RESPONDENTS

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
ISLAMIC REPUBLIC OF PAKISTAN, 1973

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-5247 of 2019

DATE ORDER WITH SIGNATURE OF JUDGES

Fresh case

1. For orders on Misc. No.22788/2019 (Urgent Application)
2. For orders on Misc. No. 22789/2019 (Exemption Application)
3. For orders on Misc. No.22790/2019 (Stay Application)
4. For hearing of main case

09.08.2019

Mr. Ghulamullah Shaikh, Advocate for petitioners

1. Urgency granted.
2. Exemption granted subject to all just exceptions.

3&4. Learned counsel for petitioners submits that appeal of the petitioners against Anti-Dumping Duty is pending before the Anti-Dumping Appellate Tribunal, which according to learned counsel for petitioners, is non-functional on account of non-availability of permanent Members, therefore, petitioners are presently remediless to seek any restraining order against the recovery of the impugned demand, whereas respondents are enforcing recovery by adopting coercive measures. It has been further contended by learned counsel that similar petitions including C.P No.D-3851 of 2019 are pending before this Court, wherein notices have been issued to respondents, who have been restrained from enforcing the recovery through coercive measures. In support of his contention, learned counsel has referred to order dated 03.06.2019 passed in the aforesaid petition, copy of which is available at pages 93 to 97.

Let pre-admission notice be issued to the respondents as well as DAG, to be served through first three modes, for the second week of September, 2019, when comments, if any, shall be filed with advance copy to the learned counsel for petitioners. In the meanwhile, respondents shall not take any adverse action against petitioners for the recovery of the impugned demand till the next date of hearing.

Sr. Azeel Ahmed Abbasi
Judge

Sr. Zeeshan Ahmad Khan
Judge

