

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS VALUATION
CUSTOM HOUSE KARACH

File No. DG(V)Val-Rev/12/2019

21st July, 2020

Order in Revision No. 19 /2020 Under Section 25-D of the Customs Act, 1969, against
Valuation Ruling No. 1375/2019 Dated: 24-05-2019.

- i. This copy is granted free of charge for the private use of the person to whom it is 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. Sports One Int. Trading Co. & Others

..... PETITIONER

VERSUS

Director, Customs Valuation, Karachi

..... RESPONDENT

Date(s) of hearing

02.07.2020 at Karachi & 13-07-2020 at Lahore,

For the Petitioners

Mr. Sakhi Muhammad, M/s. Sports One Int. Trading Co.,
Mr. Umar Ahmad Khan, M/s. Apha Labs Pk,
Mr. Faisal Yousaf, M/s. Al-Rija Traders,

For the Respondent

Mr. Tauseef Ahmad, Valuation Officer,

This revision petition was filed under Section 25-D of the Customs Act, 1969, against customs value determined vide Valuation Ruling No. 1375/2019, dated 24.05.2019, issued under Section 25-A of the Customs Act, 1969, inter alia, on the following grounds:

2. Being aggrieved by and dissatisfied with the Valuation Ruling No. 1375/2019, dated 24.05.2019, respectively by the respondent (hereinafter referred to as the impugned Ruling), the applicant begs to prefer this petition inter-alia on the following facts and grounds:-

3. FACTS

- 1) Precisely stated facts necessary for Revision of determined values under the impugned Valuation Ruling No. 1375/2019 dated 25.05.2019 are that M/s Sports One International Trading Company (hereinafter referred to as "the importer/petitioner") is authorized dealer of different categories of Whey Protein mentioned at S. No. 1-7 of the fore-stated Valuation Ruling since last many years.

- 2) In this context & contest, it is pertinent to point out that the subject items imported by the Petitioner from USA were regularly been assessed at US\$ 1.4-1.70/ kg in terms of Section 25(5) & (6) of the Customs Act, 1969, vide GD No. KAPE-HC-133507 dated 02.04.2018, KAPE-HC-219964 dated 20.06.2018, KAPE-HC-2440 dated 05.07.2018 KAPE-HC-10294 dated 17.07.2018. Whereas, the Deputy Director (HQ), Directorate General Customs Valuation, Karachi issued letter C. No. Misc./15/2018-1/664 dated 22.06.2018 bearing subject: "Development of Valuation Database: Reference Values for Food Supplements".
- 3) That whereas, the values mentioned for assessment under the aforecited letter were ranging from US\$ 9.50 to 14.50/kg were enhanced to 600% to 900% illogically without exhausting the express provisions in sequential order envisaged under Section 25(1-6) *ibid*; however, being aggrieved of the frivolous, exaggerated and uncorroborated values determined were duly challenged vide Application dated 13.09.2018 on the basis of current values mentioned under para *supra*, being assessed under Section 25(5) of the Customs Act, 1969. Copy of representation dated 13.09.2018, is enclosed for ready reference please.
4. In addition to above, the Petitioner once again contested the Data Base Values and requested the then DG Valuation for issuance of Valuation Ruling under section 25-A vide request letter Ref: CY/SO/101 15.10.2018, and subsequent reminder dated 19.02.2019 (Annex-D & E). The Data Base Values were contested on the factual / legal submissions as under;
 - (i) Values determined are non-evidence based. (Evidential GDs not referred / mentioned).
 - (ii) Values are single origin based i.e. USA only.
 - (iii) Values based on single item i.e. Whey Protein.
 - (iv) Values mismatch / irrelevant to Data Base (US\$ 9.50-14.50/kg).
5. That, despite the fact that the stake holders including the Petitioner properly represented their case, the Respondent / Director Customs Valuation has issued the impugned Valuation Ruling No. 1375/2019, dated 24.05.2019; whereby the Values of the Petitioner's items have been based upon almost the same previous Data Base Values C. No. Misc./15/2018-1/664 dated 22.06.2018 with slight variation in terms of Section 25(7)- Deductive Value Method without exhausting provisions envisaged under sub-section (1-6) in letter & spirit rather than slipped / skipped in stereo type manner are eventually not sustainable under the Customs laws, Valuation Rules and regulations *inter alia* on the following:.

4. **GROUND:**

- A. That, the Director of Customs Valuation has issued Impugned VR for "Whey Protein" determined in terms of sub-section (7) of the Section 25 *ibid* and issued under Section 25-A of the Customs Act, 1969. That, the impugned VR has not been issued in consonance with the measures postulated under express provisions envisaged under Section 25(1)-(9) of the Customs Act, 1969. Moreover, the procedures & methods mentioned in the impugned VR are stereotype and neither exhausted practically nor followed in letter and spirit of the forestated provisions of law. Furthermore, the so called documentary exercise shown in the impugned VR does not reflect the ground realities, facts and circumstances of the import prices of the impugned items.

The impugned VR has been issued without proper application of valuation methods in sequential order in terms of the express provisions envisaged under Section 25(1) to (9) of the Customs Act, 1969.

- B. That, however, prior to issuance of the impugned VR, it was revealed that just for fulfillment of formality only the Petitioner's Association was invited in exercise for determination of value but the sufficient opportunity of hearing is not provided which is against the principle of natural justice i.e. *Audi altram partem* meaning thereby that "one cannot be condemned unheard".
- C. That, the impugned frivolous & void Valuation ruling has been issued in haphazard & hasty manner and without application of judicious mind is totally against the facts & circumstances of the instant case. Hence, the impugned VR in blatant violation of the Article 10-A of the Constitution and Article 24-A of the General Clauses Act, 1897, is not sustainable under the Customs laws, rules & regulations.
- D. That, the impugned VR has been passed without following the express provisions envisaged under Section 25 *ibid* read with 25-A in sequential order as required by the law; hence illegal, void and uncorroborated defies the law, procedure and principles of quasi-judicial proceedings.
- E. In this context & contest, it is pertinent to mention that the impugned VR is issued without going into merits & circumstances of the case and without following the express provision under Section 25 *ibid* in sequential Order; hence being *void ab initio* and illegal is vehemently denied & rebutted *inter alia* on the following objections / observations;
- (i) That, Section 25 [Value of imported and exported goods], comprised of sub-sections 1-9, wherein the methods of Customs Valuation lay down under sub-section 1-4 are known as ; Primary Methods of Valuation. The taxation through Customs Valuation under these methods is called Actual Taxation.
- (ii) The above stated Primary Methods of Valuation are to be applied in sequential order by exhausting all the sequential steps as per law. Accordingly, first of all the Department has to accept or rebut the Transaction Value (Price actually paid or payable) claimed by the Importer in consonance with the measures postulated under Section 25(1) and Rules made thereunder. Whereas, the Transaction Value has not been rebutted in the instant case wherein the Price of the impugned goods has been actually paid through legal channels as provided under the IPO in vogue.
- F. That, contrary to the above, the methods of Customs Valuation lay down under sub-section 5-9 are known as Secondary Methods of Valuation. The taxation through Customs Valuation under these methods is called Presumptive Taxation. While, in the instant case the impugned VR have been issued U/S 25(7) Deductive Value Method i.e. almost on the basis of so called previously ascertained values vide C.No.Misc./15/2018-1/664 dated 22.06.2018, bearing subject: "Development of Valuation Database: Reference Values for Food Supplements" instead exhausting the application of sub-section (1)-(9) in sequential order.
- G. That Section 25-A of the Customs Act, 1969 cannot be applied one sided determination of the customs value which transforms the "determination" in view of section 25-A to an impressible



fixation of value. In the instant matter, the Director of Customs Valuation in contrary to the provisions envisages under Section 25-A has fixed the customs value of the impugned goods which is not impressive as held by the Hon'ble Sindh High Court in the case of Sadia Jabbar Vs. The Federation of Pakistan & others (C.P No. 2673 of 2009). As such, the Customs Valuation Directorate instead of determining the value under Section 25 in sequential order has made malpractice of assessing the impugned goods on the predetermined value on the basis of the Retail Market Values on the alleged ground of under invoicing from time to time, which is not permissible under the law.

- H. That, the impugned Valuation Ruling transpired that in order to fulfill the formalities, the Transaction Value of Identical and Similar goods methods provided under the subsection (5) and (6) of the Customs Act, 1969 were merely mentioned without carrying out any material exercise, which clearly established that impugned Ruling as arbitrary and has been issued in blatant violation of the latter & spirit of Section 25-A of the Customs Act, 1969. Therefore, the impugned VR been *void ab initio*, frivolous and totally against the Customs laws, rules and regulation is not sustainable under the law.
- I. That, the impugned Valuation Ruling refers to the Deductive Value Method under Section 25(7) of the Custom Act, 1969, while it does not disclose any discrete / direct evidence obtained from the whole sale market. However, it appears that exercise if any Market Enquiry (Work Back Method) was carried out from the retail market instead mandatory exercise from whole sale market required under corresponding Rule 119 of the Customs Valuation Rules; therefore, the impugned Valuation Ruling is illegal, uncorroborated and devoid of merits, not maintainable under the Customs laws, rules & regulations.
- J. That, as reported under para *supra*, the customs value is to be determined under Section 25 (7), subject to corresponding Rule-119 made thereunder, according to which the market inquiry can only be conducted at first commercial level in term of the corresponding Rule-119 envisages under the Customs Rules, 2001, reproduced *verbatim* as under:-
- “119- Deductive value method – (1) For the purposes of this rule, the expression “unit price at which goods are sold in the greatest aggregate quantity” means the price at which the greatest number of units is sold in sales to persons who are not related to the persons from whom they buy such goods at the first commercial level after importation at which such sale takes place.”
- K. In view of the above stated express provisions, it is quite evident that the impugned VR being silent on whole sale market has eventually been passed without adaptation of the requisite mandatory legal procedure; hence, having no legal force being fractious is not maintainable under the Customs laws, rules & regulations.
- L. That, the impugned VR being non-speaking and non-exhaustive about the market inquiry is not justified under the law. It is humbly submitted that there is nothing on record that the market inquiry was conducted at first commercial level after importation at which such sale took place. It is pertinent to mention here that market inquiry from open market (Retailer) is neither permissible nor can be conducted for determination of the customs value of the imported goods.



However, reportedly the so-called market inquiry was conducted at 3rd and 4th commercial level from the shops and stores i.e. Retailers, which action is patently void and illegal.

- M. That in this contest it is evident from the scheme of the impugned VR haphazardly issued that no market data found mentioned or have been received and as such the alleged Valuation Ruling is based on assumptions / presumptions & surmises. The previous data of identical / similar goods has also not been taken into consideration and the alleged Valuation Ruling being abnormally on the higher side is vague, illegal and blatant violation of the independent determination of values under the law.
- N. That, the Valuation Ruling reflects the impugned values as result of colorable exercise, which is prohibited under the law. Moreover the importers were not issued the mandatory / requisite hearing notices deliberately so that fair market value may not come on record regarding subject goods and even no opportunity was provided to the Petitioner to provide import documents required under Rule 109 of the Valuation Rules of Chapter X of the Customs Rules, 2001, therefore, such exercise is illegal and *void ab initio* and vitiates the determination exercise under sub-section 25(7) of the Customs Act, 1969.
- O. That, the sub sections envisaged under Section 25 *ibid* provide the determination of (i) Transaction value i.e. Price actually paid or Price payable (25(1-4) (ii) Transactional value of identical goods (25(5), (iii) Transaction value of similar goods, (25(6), (iv) Deductive Value (25(7), (v) Computed Value, (25(8) and fall back method (25(9)). Admittedly, these provisions are equally applicable on valuation ruling and the same was also not resorted to by the customs valuation authorities, therefore Valuation Ruling is illegal and devoid of merits and is liable to be set aside / revised in the best interest of fair play and natural justice.
- P. That, it is further pointed it out that the Hon'ble Sindh High Court, Karachi in another judgment in C.P No. 2673 of 2009 was pleased to set aside a number of Valuation Rulings which are against Section 25 of the Customs Act, 1969; hence, on the touchstone of these judgments, the impugned ruling is illegal, frivolously on higher side and issued without following the relevant provisions of law; hence liable to be set aside / revised.
- Q. That, in case the Transaction Value is not accepted on cogent reasons, the next mandatory methods under sub-section (2), (3) & (4) in respect of other factors, relationship between Importer / Exporter & Notice to the importer respectively are to be applied / exhausted, which has not been done in the instant case. That the transaction value cannot be rejected because there are some contemporaneous imports at higher price. It has to be shown that invoice price is not genuine and does not show the real price paid to the imports. Moreover, an invoice price cannot be discarded except on the strength of clear evidence which shows that the real price as has been transactional between the importer and the foreign supplier is not genuine, and that something else has passed clandestinely between the parties [PTCL 2003 CL. 180]. Thus the impugned Valuation Ruling being *void ab initio* not sustainable under the law is vehemently denied and rebutted.



- R. That, there is not any ambiguity in words or meanings of Section 25(7) ibid read with Customs Valuation Rule-119 for determination of Customs Value under Deductive Value Method. The explicit conditions cannot be interpreted in any other sense as being a settled principle of law, it has already been held by the Hon'ble Supreme Court that "in taxing statute one has to look merely at what is clearly said and implement the law in accordance with the plain reading of language of statute. There is no room for any intendment or presumption as to tax or spirit of the law by ignoring the ordinary plain reading of the language of statute (PTCL.2007 CL 559), (PTCL.2010 CL 856).
- S. That, it is settled principle of law that "where things have not been done in the manner, as required by law and procedure, the same cannot be given legal sanctity particularly when the same are resulting in penal consequences or causing rights of individual 2014 PLD 224 SINDH, 2006 SCMR 129 & 2003 SCMR 1505.
- T. That, the Petitioner reserves the right to file any additional documents / arguments at any stage during hearing proceedings.

5. PRAYER

- a) In wake of the upshot of the above discussed facts and circumstances, it is requested that the impugned VR may very kindly be remanded for Revision on the following crucial factors:-
- I. Promulgated Valuation Ruling is hypothetical, under-mining fair process of determination of normal values for assessment purpose.
 - II. Valid import data is not available to support promulgated Valuation Ruling.
 - III. No representative of Commercial Importers was part of Market Survey.
 - IV. The impugned Valuation Ruling has not been issued in consonance with the measures postulated / exhausted in sequential order under express provisions envisaged under Section 25(1) to (9) of the Customs Act, 1969 read with corresponding Customs Valuation Rule-119 pertaining to the inquiry from Whole Sale Market.
- b) The Petitioner is hopeful that your kind honor will justify above submissions and will consider our submissions fruitfully for which we shall ever remain grateful to you and highly obliged.
- c) It is further requested that sufficient opportunity of hearing be provided to meet the ends of natural justice.

6. The respondents were 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

Para-(1): Needs no comments being introduction of the importer and its product.

Para-(2&3): This Directorate General has initiated an exercise to develop database values for different items wherein it has been observed that declarations are of wide range and do not correctly

reflect values of items as traded in the international market. During the scrutiny of the previous data, it has been observed that the Whey Protein under PCT headings 2106.9090 are being assessed at different values and certain transactions are on very low side. This Directorate General, after carefully examining the clearance data, also conducted market inquiries to verify the authenticity of declarations. Online prices were also obtained to corroborate the findings of the market surveys. This office, therefore, has found that the customs values of whey proteins and valuation data base value issued wide letter No. Mjsc/15/2018-Group-I dated 22.06.2018. It is clearly mentioned in para-3 of above mentioned V.D.B. that these values are for reference/guidance only and final assessment may please be made after considering other factors which have bearing on customs values.

Para-(4&5): Valuation methods provided in section 25 of the Customs Act, 1969, were duly applied in their regular sequential order to address the valuation issued at hand. The transaction value method as provided in sub section 1 of section 25 was found inapplicable due to wide variation of values displayed in import data, hence, requisite information was not available to arrive at the correct transaction value. Identical/similar goods value method provided vide sub section 5 & 6 of Section 25 ibid were examined for applicability to determine the Customs Value of subject goods. The data provided some references; however, it was found that the same cannot be solely relied due to wide variations in the declared values. Information available was hence found inappropriate. In line with the statutory sequential order of section 25, this office conducted market inquiry under section 25(7) of the Customs Act, 1969, determined the customs values of Food Supplements/multi vitamins/mineral supplements and whey protein under section 25 (7) of the Customs Act, 1969, accordingly.



G R O U N D S

Para-(A): With respect to contents of Para (A) of the appeal, it is submitted that the values determined vide the valuation ruling No. 1375/2019 dated 24.05.2019, issued under section 25 A of the Customs Act, 1969, on fair market inquiries, import data and international websites prices available. The determined customs values are for all importers and are applied uniformly across the countries. It is submitted that the valuation ruling has correctly and lawfully been issued in terms of section 25 A of the Customs Act, 1969.

Para-(B&C): In response to the para B&C of the revision petition, it is submitted that the values determined vide the valuation ruling No. 1375/2019 dated 24.05.2019 has correctly and lawfully been issued in terms of section 25 A of the Customs Act, 1969. Several meetings with the stakeholders, including importers and representatives from field formations were held in this Directorate General to discuss the current international prices of the subject goods. The importers/stakeholders were requested to submit the following documents before or during the course of stakeholders meetings so that the customs values could be determined.

- (i) Invoices of imports made during last three months showing factual value,
- (ii) Websites, names and E-mail addresses of known foreign manufacturers of the item in question through which the actual Current value can be ascertained,
- (iii) Copies of contracts made / LCs opened during the last three months showing value of item in question and;

- (iv) Copies of Sales Tax paid Invoices issued during last four months showing the difference in price to substantiate that the benefit of difference in price was passed on to the local buyers.

But none of them submitted sales tax invoices along with monthly sales tax return, on one excuse or the other. Since the matter was lingering on, it was decided to proceed on merits in the light of available record as well as local market enquiry conducted by the Department. The petitioners, on the other hand, did not submit requisite import documents or any evidence to substantiate their cause of grievance and to enable this forum to verify the truth and accuracy of transaction value of the applicant. As such the said customs values were determined after properly following and exhausting all the valuation methods in sequential manner and giving reasons for rejection therein and finally the values were determined in terms of Section 25(7) of the Customs Act, 1969, for uniform assessment purposes.

Para (D&E): In response to the para B&C of the revision petition, it is vehemently denied and contested that the values of imported food supplements determined inline with the other international brands of food supplements being imported into Pakistan. Moreover, it is reiterated that the subject values were ascertained after taking into consideration into import data, international prices available on internet and market inquiries under the provision of law. This Directorate General has performed its duties within its jurisdiction. Determination of customs values is the domain of this Directorate General of Valuation which are determined under 25 and 25-A of the Customs Act, 1969. Customs values of any article are never determined hypothetically or beyond the prevailing procedure laid down under section 25 of the Customs Act, 1969.

Para-(F&H): In response to the para B&C of the revision petition, it is submitted that the values determined vide the valuation ruling No. 1375/2019 dated 24.05.2019, under section 25 of the Customs Act, 1969, were issued after giving due opportunity of meeting to all stakeholders including importers association. Moreover, section 25 (10) clearly states that section 25 may or may not be applied in sequential manner. The word "whichever is applicable" as used in sub section 25(10) of Section 25-A give discretion to the competent authority to adopt methods as suited for the determination of Customs Values under section 25A of the Customs Act, 1969, valuation ruling is issued as per law.

Para-(I&J): It is pertinent to mention that customs values in the said ruling were determined after holding meetings with stakeholders and after following all valuation methods sequentially as envisaged under section 25 of the Customs Act, 1969. As such the same had been determined after extensive exercises and market inquiry conducted by deductive value method under section 25(7) of Customs Act, 1969. The said valuation ruling is legal, just and issued well within the parameters laid down under section 25 of the Customs Act, 1969.

Para-(K-N): Valuation methods provided in section 25 of the Customs Act, 1969, were duly applied in their regular sequential order to address the valuation issue at hand. The transaction value method as provided in section 1 of section 25 was found inapplicable due to wide variation of values displayed in import data, hence, requisite information was not available to arrive at correct transaction value. Identical and similar goods value method provided by sub section 5&6 were examined for applicability to determine the Customs Value of subject goods. The data provided some references; however, it was found that the same cannot be solely relied due to wide variations in the declared values. Information

available was hence found inappropriate. In line with the statutory sequential order of section 25, this office conducted market inquiry under section 25(7) of the Customs Act, 1969, determined the customs values of Food Supplements/multi vitamins/mineral supplements and whey protein under section 25 (7) of the Customs Act, 1969, accordingly.

Para-(O): It is submitted that the impugned valuation ruling No. 693/2014 dated 26.09.2014 is self explanatory which clearly reveals whole process of issuance of the same. Further, it is pertinent to mention here that the customs values in the said ruling were determined after properly holding meetings with stakeholders and after following all the valuation methods sequentially as envisaged under Section 25 of the Customs Act, 1969. As such the same have been determined after extensive exercises.

Para-(P): In this connection, it is submitted that the food supplements/ multi vitamins/mineral supplements and whey protein of different brands of all origins had determined by actual value. Market inquiry conducted under section 25(7) of the Customs Act, 1969, and valuation ruling is issued accordingly permissible under the law 25-A of the Customs Act, 1969.

Para-(Q-S): Denied. All principles of natural justice were followed, hearings were accorded to get the contentions of all the stakeholders were heard and duly considered, international prices and the normal market prices were taken into account and consequently after applying all available tools provided under 25 of the Customs Act, 1969. On the request of the participants to produce additional data, evidence and information, values were determined under 25-A of the Customs Act, 1969. In response to under reference paras, it is submitted that the valuation ruling No. 1375/2019 dated 24.05.2019, has correctly and lawfully have been issued in terms of Section 25-A of the Customs Act, 1969. The learned Director Valuation has acted within its power conferred under Customs Act, 1969. It is neither malafide or discriminatory as assessments are being made in terms of the same throughout the country.

Para-(T): In response to contents of para (T) of revision petition, it is submitted that it needs no comments as para pertains to Honourable Court.

PRAYER

The valuation ruling No. 1375/2019 dated 24.05.2019, of food supplements/multi vitamins/mineral supplements and whey protein under section 25-A of the Customs Act, 1969, is as per law. It is therefore, prayed in the light of above explained position that the valuation ruling may be allowed to hold field in interest of justice and to safeguard the Government exchequer.

ORDER

- Hearings were held at Karachi and Lahore on 02.07.2020 and 13.07.2020 regarding valuation ruling 1375/2019 dated 24.05.2019. During the hearing proceedings, the valuation ruling was discussed thoroughly. Mr. Sakhi Muhammad, Advocate for M/s Sports One International Trading Company, alongwith other petitioners contended that the sub sections of section 25 of the Customs Act, 1969, were not followed in sequential manner. The petitioners added that sub sections 5 and 6 for identical and similar goods were not followed while the value was calculated in section 25(7)

without following Rule 119 of Customs Valuation Rules. They contended that the market inquiry was carried out from the retail market instead of mandatory exercise from wholesale market. The petitioners further objected that the value specified at serial numbers 02 and 04 were very high although the import data of both the items vary from US\$ 2.00/kg to US\$ 2.25/kg. Similarly, import data of serial number 07 ranges from US\$ 3.50/kg to US\$ 4.0/kg but the value specified in the impugned valuation ruling is US\$ 7.30/kg. Advocate for M/s. Alpha Labs Pk raised objections on the market survey conducted by the department. They contended that the transaction values cannot be rejected because of some contemporaneous imports at higher price. They added that high valuation has lead to the inflow of the subject goods into the country through smuggling. Mr. Faisal Yousaf from Al-Rija Traders pleaded that the values of high international brands are lower than the "other brands" which has created anomaly and resulted in massive loss of revenue to the state and have negatively impacted the importers of lower end brands.

8. The department, however, vehemently rebutted the arguments submitted by the petitioners and stated that the subject values were ascertained after considering import data, international prices available on internet and market inquiries under the provisions of law. The department further submitted that the customs values in the said ruling were determined after holding meetings with stakeholders and after following all valuation methods sequentially as envisaged under section 25 of the Customs Act, 1969.
9. I have perused the record of the case and heard in detail the contending parties i.e. importers and the department. Considering all discussions during the course of hearings and documents submitted, it transpired that the valuation ruling was issued after following all stipulated procedures and the valuation ruling does not suffer from any procedural improprieties. Nevertheless, the valuation ruling No. 1375/2019, dated 24.05.2019, is already fourteen months old. Therefore, it will be in the fitness of things that the department issues a fresh valuation ruling in the light of current market prices. Hence, the petitioners are directed to approach the Director Valuation for re-determination of Customs values of subject goods. The Director Valuation, on receipt of applications, will issue a fresh valuation ruling after consulting all stakeholders in accordance with laid down procedures as per law. In the meanwhile, the valuation ruling No. 1375/2019 dated 24.05.2019 is *upheld*.


(Zulfikar Ali Chaudhary) 21.7.2024
Director General

Registered copy to:

M/s. Sports One International Trading Company.
C/o. Ch. Sakhi Muhammad Advocate High Court,
Suit No.10, 1st Floor, SAF Centre, 8- Fane Road, Lahore..

M/s. Al-Rija Traders,
Room No.4, Kumran Market, Gul Muhammad Street, Boltan Market, Karachi.

M/s. Skyline Industries.
64 Ahmed Block, Garden Town, Lahor.

Sports One International Trading Co.
Office No. 1& 2 Crown Market, 138-GT Road, Singhpura Lahore, Pakistan.

M/s Alpha Labs Pk,
236-B Block Johar Town, Lahore.

Copy to:

1. The Member (Customs Policy/Operations), FBR, Islamabad.
2. The Chief Collectors Customs Appraisement (South)/Enforcement, Karachi/
3. (North) Islamabad / (Central) Lahore/ Quetta.
4. The Collector, MCC Appraisement and Facilitation (East/West) /Port M. Bin Qasim/
5. Enforcement & Compliance, JIAP, Karachi.
6. The Collector, MCC Appraisement & Facilitation/Enforcement & Compliance, AIIA,
Lahore/Quetta/Peshawar/Faisalabad/Sambrial/Multan/Hyderabad/Islamabad/Gilgit-
Baltistan/Gawadar.
7. The Directorate General of Intelligence & Investigation (Customs), Islamabad /Lahore
/Peshawar / Multan / Hyderabad / Gawadar / Quetta.
8. The Director, Customs Valuation, Karachi/Lahore.
9. The Deputy Director (HQ), Directorate General of Customs Valuation, Karachi for
10. Uploading in One Customs and WeBOC Database.
11. Deputy Director (Revision), Directorate General of Customs Valuation, Karachi.
12. All Deputy/Assistant Director's (Valuation).
13. Guard File.