

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.1906 of 2021

Raja Qaiser Ali

Versus

Additional Collector Adjudication, MCC, Islamabad and others

| S. No. of order / proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|-------------------------------|----------------------------|---|
| | 02.06.2021 | Raja Qaiser Ali, Advocate / petitioner in person. |

Through the instant writ petition, the petitioner, Raja Qaiser Ali, has impugned the order-in-original dated 05.05.2021 passed by the Additional Collector (Adjudication), whereby the vehicle (bearing No.AYE-121 Sindh, Toyota Vitz), was confiscated by holding that the same was smuggled.

The petitioner has preferred an appeal under Section 194-A of the Customs Act, 1969 ("the 1969 Act") before the Customs Appellate Tribunal but the same has not been taken up for hearing since the Chairman, Customs Appellate Tribunal has till date not been appointed. This has caused the petitioner to file the instant writ petition.

The petitioner has submitted the registration book of the said vehicle which is in the name of Hafiz Muhammad Hammad Hakim, who sold the same to Fayaz Khan, and the latter, in turn, sold the said vehicle to the petitioner.

The petitioner has received a notice dated 24.05.2021 under Section 169 of the 1969 Act, according to which the vehicle is due to be auctioned within 07 days of the issuance of the said notice. The petitioner submits that had the Customs Appellate Tribunal been functional, he would have been in a position to pursue his appeal to obtain an injunctive order; and that if

the vehicle in question is auctioned and third party rights are accrued, the petitioner shall suffer irreparably.

Issue notice to the respondents.

Re-list on 29.06.2021.

C.M. No.01/2021

Exemption sought for is allowed subject to all just and legal exceptions.

C.M. No.02/2021

Notice. Until the next date of hearing, the status quo is directed to be maintained.

Copy dasti

(MIANGUL HASSAN AURANGZEB)
JUDGE