

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.1308 of 2021

M/s Attock Petroleum Limited

Versus

Deputy Collector Adjudication, Collectorate of Customs, Islamabad, etc.

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|-------------------------------------|-----------------------------------|---|
| | 15.06.2021 | Syed Tanseer Bukhari, Advocate for the petitioner. Mr. Muhammad Asim Tanveer, Advocate for the petitioner in W.P. No.2005/2021. M.D. Shahzad and Ch. Talib Hussain, Advocates for respondents No.2 to 4. Raja Khalid Mehmood Khan, DAG. Irfan Anjum, Joint Secretary, Ministry of Law and Justice. Sajid Afzaal, Section Officer, Ministry of Law. |

This order shall dispose of the instant petition as well as W.P. No.1309/2021, W.P. No.1310/2021, and W.P. No.2005/2021, as they entail common questions.

2. The petitioners, in W.P. No.1308/2021, W.P. No.1309/2021 & W.P. No.1310/2021, seek direction to respondent No.3 to decide its pending appeals expeditiously and meanwhile suspend the recovery initiated by the respondent department namely respondent No.4. The stance of the petitioners, in the referred petitions, was that since the Customs Appellate Tribunal is not functional inasmuch as Chairman and the members are not available, hence the petitioners have no alternate and efficacious remedy against the recovery proceedings initiated by the department.

3. In W.P. No.2005/2021, the petitioner sought direction to the Chairman, Federal Board of Revenue for appointment of the Chairman and members of the

Customs Appellate Tribunal so that the appeal filed by him could be decided expeditiously.

4. Notices were issued to the respondents, including Ministry of Law for report as to the progress with respect to appointment of Chairman and members of the Customs Appellate Tribunal. In response, learned Deputy Attorney General placed on record notification dated 02.06.2021, appointing Chairman as well as four members. It was contended that the Tribunal has become functional and is hearing the appeals. When confronted, learned counsel for the petitioners conceded the position, however, requested that a direction be issued for expeditious disposal of the appeals.

5. For what has been stated above, since petitioners, in W.P. No.1308/2021, W.P. No.1309/2021 and W.P. No.1310/2021, have alternate and efficacious remedy and they have availed the same already as the Customs Appellate Tribunal has become functional, hence the instant petitions become infructuous. Likewise, the prayer in W.P. No.2005/2021, has also fructified; however, the Customs Appellate Tribunal is directed to decide the pending appeal expeditiously in the above matters.

(AAMER FAROOQ)
JUDGE