

Form No: HCJD/C-121

JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No. 4447 of 2021

M/s SUGI (Pvt.) Ltd. Duty Free Shop

Vs.

Collector of Customs, MCC, Islamabad, etc.

Petitioner by : Mr Adnan Haider Randhawa Advocate.

Respondents by : Mr Muhammad Amin Feroz Khan Advocate.

Date of Hearing : **28.04.2022.**

**ATHAR MINALLAH, C.J.-** Through this petition, the petitioner Company has assailed Order-in-Original no. 10/2019, dated 05.09.2019, passed by the Collector of Customs. The petitioner Company was granted license under section 13 of the Customs Act, 1969 [hereinafter referred to as the "**Act of 1969**"] on 16.04.2005. Subsequently, the competent authority had been extending the license after every three years. However, upon receiving certain complaints the Collector in exercise of powers conferred under the Act of 1969 read with the relevant rules issued shows cause notice, dated 29.04.2019. The representative of the petitioner Company was

heard and thereafter the license was revoked vide the impugned Order-in-Original.

2. The learned counsels for the parties have been heard at length.

3. It appears to the Court that most of the grounds that had prevailed and pursuant where to the Order-in-Original was passed were not sustainable. In several cases the adjudication orders have been set aside while in the criminal cases, the accused have been acquitted by competent courts. It is obvious that most of the grounds which had led to passing of the impugned Order-in-Original are no more sustainable. Even otherwise, it appears to the Court that the learned Collector was probably not properly assisted in the matter.

4. It is noted that in the case in hand, fundamental right guaranteed under Article 18 of the Constitution is involved. Moreover, Article 10-A of the Constitution guarantees fair trial. The Court is, therefore, satisfied that since most of the grounds relied upon by the Collector while passing the impugned Order-in-Original are no more sustainable, therefore, the matter requires to be reconsidered by the competent authority. In order to meet the ends of justice, the petition is **allowed** and consequently the impugned Order-in-Original is set aside. The show cause notice, dated 29.04.2019, shall be treated as pending and it shall be decided afresh after giving a

reasonable opportunity of hearing to an authorized representative of the petitioner Company.

(CHIEF JUSTICE)

Tanveer Ahmed/\*