

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 1021-2021

M/s Fitness Diamond International, etc.
Versus
Collector of Customs, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22-03-2021	Mr Muhammad Wisal Ahmed, Advocate for petitioner. Mr M. D. Shahzad, Advocate for respondent. Mr Rao Fahad, Assistant Collector, Customs.

Mr Rao Fahad, Assistant Collector Customs has appeared alongwith the learned counsel. He has stated that the unoffending goods were released on Saturday. He has further stated that the adjudicating officer has imposed a penalty of three times of the value of the offending goods under section 156 (1) sub clauses 9 and 14 of the Customs Act, 1969.

2. The learned counsel on the other hand has contended that the learned Customs Appellate Tribunal is not functional as yet and, therefore, delay in adjudication of the appeal could expose the petitioner to irreparable loss because the Department is in the process of disposing of the offending goods. To the extent of the unoffending

goods, the grievance of the petitioner has been redressed. The offending goods are directed not to be disposed-of till the appeal of the petitioner is fixed for hearing before the learned Tribunal, subject to depositing pay order equal to the amount of penalty imposed by the learned adjudicating officer. The pay order shall be kept by the Department till the appeal or an application seeking injunctive order is heard by the learned Tribunal. The petition, therefore, stands accordingly disposed-of.

(CHIEF JUSTICE)