

IN THE HIGH COURT OF SINDH AT KARACHI

(Original Civil Jurisdiction)

Suit No. \_\_\_\_\_ of 2022

29/12/2022  
ADDL: REGISTRAR (OS)

94.11130.A.M.  
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1. Saim Mobeen Food Industries Limited

Through its authorized representative Mr. Syed Muhammad Wasi Rizvi  
Having its office at E-153-A, Super Town  
Walton Road, Cantt Area  
Lahore.

PLAINTIFF

VERSUS

1. Federation of Pakistan,

through Secretary Revenue,  
Federal Board of Revenue,  
FBR House, Constitutional Avenue  
Islamabad

2. Collectorate of Customs (Adjudication-I)

through its Collector  
11<sup>th</sup> Floor, Custom House,  
Dinshaw Road,  
Karachi

3. Directorate General of Intelligence and Investigation Customs

Through its Director,  
81-C, Block 6, PECHS,  
Karachi

4. Engineering Development Board  
EDB Complex Constitutional Avenue  
Islamabad.

12-10

DEFENDANTS



SUIT FOR DECLARATION, CANCELLATION, RECOVERY AND  
PERMANENT INJUNCTION

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.Nil of 2022

(Saim Mobeen Food Industries Ltd. v. Federation of Pakistan & others)

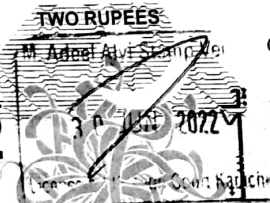
Date \_\_\_\_\_ Order with signature of Judge \_\_\_\_\_

- 1.For order on CMA No.10176/2022
- 2.For order on office objection
- 3.For order on CMA No.10177/2022

29.06.2022

M/s. Ahmed Masood, Naveed Wasti & Mirza Moiz Baig, Advocates for the plaintiff.

1. Urgency granted.
2. Learned counsel undertakes to affix court fee within ten working days.
3. Learned counsel submits that taking benefit of Green Field Policy announced by the government under SRO 777(I)/2020 where a detailed mechanism was provided for companies seeking Green Field Status, promising relaxation in the payment of duties and taxes, the plaintiff made a requisite application and provided all documents as mandated under Rule 158-B & 158-C and eventually such Green Field Status was conferred upon the plaintiff which enabled the plaintiff for concessionary treatment. Learned counsel submits that the plaintiff imported machinery from time to time under the benefit of the said Green Field Scheme, however, a show cause notice dated 13.01.2022 was issued to the plaintiff available at page 79 and certain amount of Rs. 402,870/- was claimed which was duly paid by the plaintiff and the plaintiff was also discharged from the said show cause notice. Learned counsel further contends that on 28.03.2022



another show cause notice was issued to the plaintiff available at page No. 73, whereby, the defendant No.2 has chosen to cancel the Green Field Status of the plaintiff in para-5 thereof and imposed penalty and fine. Learned counsel contends that plaintiff has already deposited the penalty amount with the Nazir of this court, however, through instant suit challenged the said show cause notice to the extent that the defendant No.2 & 3 are not competent to unilaterally suspend the Green Field Status of the plaintiff. Learned counsel contends that the said defendants approached EDB/defendant No.4 for confirming such status and the latter verified said Green Field Status of the plaintiff, as evident from page 87. Learned counsel further contends that the impugned show cause notice is devoid of any legal authenticity since the defendant No. 2 & 3 are not competent to do the job of defendant No.4.

Issue notice to the defendants as well as DAG for 17.08.2022. In the meanwhile the operation of the impugned show cause notice dated 28.03.2022 is suspended till next date of hearing. Upon the communication made by the defendant No.2 & 3, the defendant No.4 would be at liberty to re-decide the Green Field Status of the plaintiff if needed.

Sd/- Zulfiqar Ahmad Khan  
Judge

Aadil Arab

