

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI

(Original Civil Jurisdiction)

Suit No. _____ of 2022

BALTIC CONTROL PAKISTAN

A sole proprietorship,
Having office at,
Suite No. 419, 4th Floor,
The Cotton Exchange Building,
I.I. Chundrigar Road,
Karachi.
Through its proprietor, Khawaja Muhammad Zubair.

..... PLAINTIFF

VERSUS

1. FEDERATION OF PAKISTAN

Ministry of National Food Security & Research
Department of Plant Protection,
Through Director General,
3rd Floor, B-Block, Pakistan Secretariat,
Islamabad.

2. DEPARTMENT OF PLANT PROTECTION PAKISTAN

through Secretary,
having office at,
Jinnah Avenue,
Malir Halt,
Karachi.

3. DIRECTORATE INTELLIGENCE AND INVESTIGATION

through Director General,
having regional office at,
81-C, Block No.6, P.E.C.H.S.,
Karachi.

..... DEFENDANT'S

SUIT FOR DECLARATION AND PERMANENT INJUNCTION



ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. Nil of 2022

[Baltic Control Pakistan versus Federation of Pakistan and others]

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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1. For order on CMA No.18946/2022 (Urgency)
2. For order on office objection No.1 at flag 'A'
3. For order on CMA No.18947/2022 (O39 R1&2)
4. For order on CMA No.18948/2022 (O18 R18)

14.12.2022

Mr. Ahmed Masood, advocate alongwith Mr. Shariq Razzaq, advocate for the plaintiff

1. Urgency granted.
2. To be complied with before the next date of hearing.

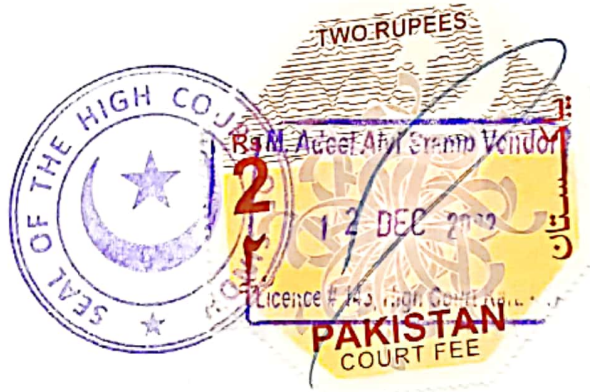
Learned counsel for the plaintiff submits that the plaintiff is a notified Pre-shipment Inspection Entity and in this regard while the goods were shipped from China, a pre-inspection certificate notifying the contents of the goods was issued, which is available at page 115. In relation to one of the content, it is disclosed in the report that it contained 6.87% of Flucarbazon sodium and it is required that the pesticide should contain a minimum of 6.5% when it was exported from the source of origin, however, when it reached at Karachi, a test was performed by defendant No.2 and above content was not found in the local report. The reason of this result, as addressed by the learned counsel was that it (container) was not shaken properly before a sample was drawn out of it from top, hence the real content that could have come in the test sunk down in the container. The net result that came out was that the subject component was not found. Counsel submits that the entire consignment is lying at port under the supervision of the customs officials and defendant No.2 may carry out another test at any time, but the test should be properly performed and in this regard they have submitted an application that the test be conducted under the supervision of the Nazir. However, till such test is re-performed, they apprehend that they might take such an action which may include suspension of the plaintiff's license for acting as a pre-shipment agent, as already notified.



Let notice in this regard be issued to the defendants as well as to learned DAG. In the meantime, insofar as the apprehension of the plaintiff is concerned, no coercive action be taken against the plaintiff, however, the question of performing test de-novo shall be considered on the next date. Be fixed after ten days. Copy of Agricultural Pesticides Rules, 1973 is taken on record.

Muhammad Shaji Siddiqui
Judge

Zahid*



THE HIGH COURT OF SINDH, KARACHI
 CERTIFIED TO BE TRUE COPY

Muhammad Sarfaraz
 (MUHAMMAD SARFARAZ)
 I/C: ASSISTANT REGISTRAR (COPYING)

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Muhammad Sarfaraz
 (MUHAMMAD SARFARAZ)
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