

THE FEDERAL TAX OMBUDSMAN ISLAMABAD

Complaint No.16842/KHI/Cust/2026

Dated: 18.09.2026 *R.O. Karachi

Mr. Mehmood Khan S/o Abdul Samad,
Noor Hisar, Sumangli Road, Quetta,
presently at yousuf goth, Karachi.

...Complainant

Versus

The Secretary,
Revenue Division,
Islamabad.

...Respondent

Dealing Officer
Authorized Representative
Departmental Representative

: Mr. Gul Rehman, Advisor
: Mr. Asim Munir Bajwa, Advocate
: Mr. Shahzad Ali, AC Customs
CoC, Enforcement, Gadani

Date of hearing(s)

: 08.10.2026

FINDINGS

The above mentioned complaint was filed on 18.09.2026 against the Collector, Collectorate of Customs, Enforcement, Gadani under Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 (FTO Ordinance) regarding non delivery of 310 Nos. of TECNO SPARK GO 2023 mobile phones in terms of Customs Appellate Tribunal (CAT) order dated 02.02.2024 in Customs Appeal No.Khz-566/2023 and subsequent release order dated 29.05.2025 issued by the Deptt.

2. In summary, the Complainant is agitated at non-implementation of aforementioned CAT's order which modified the impugned Order-in-Original No.122/2023 dated 28.08.2023 passed by the Collector of Customs (Adjudication), Quetta, camp Office at Custom House, Gaddani to the extent of 310 mobile phones TECNO

* Date of Registration with FTO Secretariat



SPARK GO 2023 appearing at Serial No.01 of the table of the impugned Show Cause Notice as well as Order-in-Original and release against payment of 10% of tax equivalent to the amount of duty and taxes alongwith imposition of fine and directed to handover the seized goods to its lawful claimant/appellant.

3. The complaint was forwarded to the Secretary, Revenue Division for comments under Section 10(4) of the FTO Ordinance and Section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013. In response thereto, the Collectorate of Customs, Enforcement, Gadani submitted comments through letter dated 05.10.2026, wherein it was stated that the Complainant's goods (310 Nos. TECNO SPARK GO 2023 mobile phones) were seized through Case No.26-Cus/Seiz/MS-KK/Khz/2023 dated 08.07.2023 that were initially confiscated through Order-In-Original and consequently, the Customs Appellate Tribunal allowed release on payment of duty, taxes and 10% redemption fine. In compliance thereof the Complainant paid Rs.1,237,192/- on 12.03.2025 and that a Release Order dated 29.05.2025 was issued by the Collectorate. Nevertheless, the allegation that the Deptt. "miserably failed", are denied. The Release Order itself is the compliance of the Tribunal's Order. Gate Pass and delivery could not be compiled because of the unfortunate incident of theft of said goods on 12.06.2025 from the State Warehouse, Khurkhera after investigating into FIR. The goods have been recovered and presently into custody of PS Winder. The CAT's Order and the consequent Release Order are operative, and the Department has never refused to honor them. The Release Order, addressed to the Inspector Incharge of the State Warehouse was manifestation of Tribunal's Order compliance. The request that staff be directed to comply is misconceived, because the obstacle is the physical





custody of the goods with the police, not any refusal or inaction. On 12.06.2025 the warehouse locks were found broken and the inventory of four seizure cases was found short, including the goods in the subject complaint. The Department immediately reported the matter to the Police, and FIR No.76/25 was registered at Police Station Winder under Sections 380, 408, 409 and 34 PPC. The Tribunal's order was implemented by issuing the Release Order, and the failure to deliver arises from a criminal act of third parties (theft from the warehouse), which the Department promptly reported and which is being prosecuted. In view of the above, it is prayed that the customs case property stolen from the State Warehouse was recovered in FIR No.76/2025, PS Winder, which led to the judgment dated 15.07.2026 in CNS Case No.25/2025. The Special Judge (CNS) Sessions Judge, Hub directed that case property, including mobile phones of customs cases, be handed over to the customs authority after the appeal period expires. Since, the appeal period has been expired Collectorate has issued letter to Superintendent of Police, Hub regarding handing over the case property to the Collectorate.

4. During the hearing on 08.10.2026, Mr. Asim Munir Bajwa, Advocate (AR) pressed for release of 310 mobile phones TECNO SPARK GO 2023 in terms of CAT's order dated 02.02.2024 in Customs Appeal No.Khz-566/2023 and release order dated 29.05.2025 issued by the Deptt. Mr. Shahzad Ali, Assistant Collector (DR), on the other hand argued that the Deptt. in compliance of CAT's order dated 02.02.2024 issued release order dated 29.05.2025, nevertheless the goods could not be released due to theft of the seized goods from the Warehouse. FIR No.76/2025 was registered at Police Station Winder. The Police authorities have recovered the stolen goods and the Special Judge (CNS) Session



Judge Hub Court through judgment dated 15.07.2026 has directed the Police authorities that the case property, including the mobile phones of Customs cases be handed over to the Customs authority after the appeal period expires. DR further contended that since the appeal period has been expired, the Superintendent of Police Hub through letter dated 01.10.2026 has been requested to handover the case property to the Customs. The Deptt. is vigorously pursuing the matter with the Police authorities for return of the recovered goods. As soon as the goods are handed over to the Deptt. the same shall be released to the Complainant. This may preferably be completed within 15 days by actively pursuing the matter with concerned Police Authorities.

5. The complaint stands disposed of in the above terms. File be consigned to record.

Dated: 20 OCT 2026



(M. Zafar ul Haq Hijazi)
Federal Tax Ombudsman