

**THE FEDERAL TAX OMBUDSMAN
ISLAMABAD**

REVIEW PETITION

Dated: 28.08.2026 ¹ R.O Karachi

in

Complaint No.11272/KHI/Cust/2026

Mr. Sarfraz Ali Pario,
Village Kakar Post Office Kakar,
Tehsil Khairpur Nothan Shah,
District Dadu.

...Complainant/Petitioner

Versus

The Secretary,
Revenue Division,
Islamabad.

...Respondent

Dealing Officer	: Mr. Gul Rehman, Advisor
Authorized Representative	: Mr. Asim Munir Bajwa, Advocate
Departmental Representative	: Mr. Zubair Shah, Chief Customs (Policy), FBR, Islamabad
	Dr. Nasir Khan, Collector, Enforcement, Hyderabad
Date of Hearing(s)	: 07.10.2026 & 21.10.2026

ORDER-IN-REVIEW

The Complainant/Petitioner has filed the instant Review Petition against the Findings dated 22.07.2026 passed in Complaint No.11272/KHI/CUST/2026, whereby the complaint alleging non-implementation of the recommendations issued by this Office in Complaint No.2409/KHI/CUST/2023 was closed.

BACKGROUND

2. The Complainant had earlier filed Complaint No.2409/KHI/CUST/2023 concerning non-implementation of Order-in-Appeal No. K-1231/2020 dated 31.03.2022 passed by the Customs Appellate Tribunal, Karachi, in respect of Toyota Lexus bearing Registration No.AFE-767.

¹ Date of registration with FTO Secretariat



3. The earlier complaint was disposed of through recommendations dated 20.06.2023, whereby FBR was directed to:

- “(i) issue directions to the Collector of Customs, Hyderabad to implement the order of the Customs Appellate Tribunal and release the vehicle on payment of duty and taxes; and
- (ii) report compliance within 30 days.”

The Department subsequently submitted a compliance report stating that verification of the Sale Permission was being undertaken. The complaint was thereafter closed on 26.12.2023.

4. The Complainant subsequently filed Complaint No.11272/KHI/CUST/2026 alleging that the aforesaid recommendations had not been implemented. The complaint was examined and, after considering the departmental record and the submissions of both sides, was disposed of through Findings dated 22.07.2026.

5. In the said Findings, it was recorded that the Customs Appellate Tribunal had allowed release of the vehicle subject to verification of the bona fides of the claimant and authentication of Sale Permission No. 12/2021 dated 17.06.2021 issued by FBR. It was further recorded that, during the subsequent verification process, FBR, through communication dated 01.10.2025, cancelled the said Sale Permission as well as its revalidation dated 05.05.2023, ab-initio and directed the Department to proceed in accordance with law.

6. The complaint was consequently closed on the ground that the Department had undertaken the verification contemplated by the Tribunal and the FTO recommendations and that no continuing maladministration on the part of the Department had been established.



GROUND OF REVIEW

7. The Complainant, through the present Review Petition, mainly contends that the findings dated 22.07.2026 were based upon a misreading of the facts; that the Sale Permission was not obtained after seizure of the vehicle; that the Department failed to furnish the relevant correspondence concerning verification; that the recommendations of the FTO in Complaint No. 2409/KHI/CUST/2023 were not implemented; and that the vehicle was subsequently auctioned without notice under Section 201 of the Customs Act, 1969.

8. The Complainant has also relied upon the interim order dated 08.11.2021 passed by the Hon'ble High Court of Sindh in Constitutional Petition No. D-6725/2020 and has sought, inter alia, restraint against auction, release of the vehicle, fixation of responsibility and compensation.

9. The Department has contested the Review Petition and submitted that the order of the Customs Appellate Tribunal was conditional; that the Sale Permission dated 17.06.2021 and its revalidation dated 05.05.2023 were subsequently cancelled, ab-initio by the competent authority through communication dated 01.10.2025; that the Department had undertaken repeated correspondence for verification; and that notice for disposal of the vehicle under Section 201 of the Customs Act, 1969 was issued to the Complainant on 29.05.2026.

10. The Department has further submitted that the vehicle was ultimately auctioned on 13.07.2026 and handed over to the successful bidder in accordance with law.



11. The Review Petition was initially heard on 07.10.2026. During the subject proceedings it was decided that facts of the case will be thoroughly reviewed by the Advisor Customs, FTO's Regional Office, Karachi and the matter will be reheard after two weeks. Accordingly, 2nd hearing of the case was held on 21.10.2026.

FINDINGS: -

12. We have examined the Review Petition, the departmental comments, the earlier proceedings in Complaint No. 2409/KHI/CUST/2023, the Findings dated 22.07.2026 and the available record.

13. The scope of review is limited. A review proceeding cannot be converted into an appeal or re-adjudication of the original complaint. It is necessary for the petitioner to demonstrate an apparent error, omission or other defect in the impugned order which has a material bearing upon its outcome. Mere disagreement with the appreciation of facts or an attempt to re-argue the case does not constitute a valid ground for review.

14. In the present case, the central question before this Forum in Complaint No.11272/KHI/CUST/2026 was whether the Department had failed to implement the recommendations dated 20.06.2023 in Complaint No. 2409/KHI/CUST/2023.

15. The record establishes that the recommendations required implementation of the Customs Appellate Tribunal's order. The Tribunal's order, however, was not an unconditional direction for release of the vehicle. The release of vehicle was subject to verification of the claimant's bona fides and authentication of the relevant Sale Permission, etc.



16. The Department did not simply ignore the FTO's recommendations. The record contains correspondence showing that verification was pursued through the concerned authorities, including the Ministry of Foreign Affairs, and that the matter was subsequently referred to FBR. The verification process ultimately resulted in FBR's communication dated 01.10.2025 cancelling Sale Permission No. 12/2021 dated 17.06.2021 and its revalidation dated 05.05.2023, ab-initio.

17. Once the competent authority which had issued the Sale Permission itself declared the permission as cancelled ab initio, the Department could not be expected to release the vehicle on the basis of a permission which had ceased to have legal efficacy. The subsequent development did not amount to non-compliance with the FTO's recommendation; rather, it was the logical outcome of the verification process which the Department had undertaken pursuant to that recommendation.

18. The Complainant's contention regarding the letter dated 25.02.2020 allegedly transmitted by the Embassy of the Hashemite Kingdom of Jordan has not been verified from the record. The first verified letter written by the said Embassy to the Ministry of Foreign Affairs is of 15.03.2021 that is much after the seizure of subject vehicle on 11.03.2020 by the Collectorate. Even otherwise the date of issuance of letter by the Embassy is not of much relevance because Embassy can only dispose of the subject vehicle after issuance of proper Sales Permission in light of SRO 576(I)/2006 dated 05.06.2006. Nevertheless, the Embassy of the Hashemite Kingdom of Jordan, Islamabad has disposed of vehicle Toyota LEXUS LX 570, bearing Registration No. AFE-767 without obtaining Sales Permission from the FBR and payment of leviable duties/taxes in contravention of SRO 576(I)/2006 dated 05.06.2006.



19. The allegation that the vehicle was auctioned without notice also does not survive examination of the record. The Department has specifically placed on record a notice dated 29.05.2026 under Section 201 of the Customs Act, 1969 issued to the complainant. The complainant has not produced sufficient material to establish that the said notice was not issued or that the subsequent disposal proceedings were undertaken without statutory notice.

20. The interim order dated 08.11.2021 passed by the Hon'ble High Court of Sindh also does not assist the complainant in the present proceedings. The order restrained auction of the vehicle only till conclusion of the pending appeal before the Customs Appellate Tribunal. The said appeal was subsequently decided on 31.03.2022. The interim protection, therefore, cannot be construed as an indefinite prohibition against any subsequent action in respect of the vehicle.

21. The Complainant has essentially reiterated the merits of his earlier grievance and sought reconsideration of the factual and legal consequences flowing from the cancellation of the Sale Permission. Such reconsideration would amount to reopening the original proceedings rather than correcting an apparent error in the order under review. No such reviewable error affecting the ultimate conclusion has been demonstrated. Therefore, Review Petition is devoid of merits and does not call for any interference in the original Findings which are accordingly maintained.



22. Nevertheless, this Forum during currency of proceedings in the subject Review Petition has observed that there is an urgent need to create awareness in the general public regarding the procedures and conditions available under the law for purchasing vehicles from the various esteemed Embassies in the country, inter-



alia, the procedures/conditions specified in the SRO 576(I)/2006 dated 05.06.2006. Accordingly, Customs Wing of FBR, in consultation with Member FATE, FBR needs to devise an awareness strategy in this regard. On the other hand, FBR may also ask the Ministry of Foreign Affairs, Islamabad to request the esteemed Embassies to follow the due procedure as prescribed under the SRO 576 ibid while depositing of such vehicles.

RECOMMENDATIONS: -

23. In view of the above, FBR to direct-

- (i) the Member Customs (Operations) to coordinate with the Member (FATE) to develop an awareness strategy to guide and educate the general public regarding procedures/conditions required to purchase vehicles from the esteemed Embassies, inter-alia, the procedures/conditions specified in SRO 576 ibid;
- (ii) Member Customs (Operations) to communicate to the Ministry of Foreign Affairs, Islamabad to request the esteemed Embassies to follow the procedure as prescribed under the SRO 576 ibid while disposing of the vehicles covered under the SRO; and
- (iii) report compliance within forty-five (45) days.

24. The Review proceedings stand concluded in the manner, hereinabove.



Dated: 23 OCT 2026

(M. Zafar ul Haq Hijazi)
Federal Tax Ombudsman