

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL OF CUSTOMS (VALUATION)
CUSTOM HOUSE, KARACHI

File DG(V)Val.Rev/04/II/2025/0330

Dated: 10-03-2025

Order in Revision No. 13 /2025
Under Section 25D of the Customs Act, 1969 in Petition filed against
Valuation Ruling No. 1932/2025 dated 16.12.2024

- i. This copy is granted free of charge for the private use of the person to whom it is issued.
- ii. An appeal against this Order-in-Revision lies to the Appellate Tribunal, Customs having jurisdiction, under section 194-A of the Customs Act, 1969, within stipulated period as prescribed under the law. An application by a person other than an officer of Customs shall be accompanied by a fee of twenty thousand rupees (Rs. 20,000/-) in case of a company, and five thousand rupees (Rs. 5,000/-) in case other than a company.
- iii. An extra copy of appeal, if filed, should simultaneously be sent to this office for information and record.
- iv. If an appeal is filed, the appellant should state whether he desires to be heard in person or through an advocate.

Table of Petitions

S.No	Petitioners
1	M/s. ANA & BATLA Industries (Pvt) Limited (Revision Petition No. 30 of 2025 dated: 13.01.2025)
2	M/s. TF Hygiene (Pvt) Ltd (Revision Petition No. 38 of 2025 dated: 15.01.2025)

... PETITIONERS

VERSUS

Director, Customs Valuation, Karachi

... RESPONDENT

For the Petitioners	Mr. Rana Sakhawat Ali (Advocate) for the Petitioner above at S/No. 01
	No one appeared for the Petitioner above at S/No. 02
For the Respondent	Mr. Faisal Aziz, Valuation Officer Represented Respondent above
Date(s) of Hearing	25.02.2025
Date of Order	10.03.2025

ORDER

These revision petitions were filed under Section 25D of the Customs Act, 1969, against customs values determined under Valuation Ruling No. 1932/2024 dated 16.12.2024, ("the impugned Ruling") issued under Section 25A of the said Act.

2. Brief facts of the case are that the Customs values of Acrylic Acid – Super Absorbent Polymer (SAP) (hereinafter referred to as "the goods in question"), were determined vide impugned Valuation Ruling No. 1932/2024 dated 16.12.2024, by the Director, Directorate General of Customs Valuation Karachi.

3. The petitioners, through their petitions, assailed the higher customs values of "Acrylic Acid – Super Absorbent Polymer (SAP)" in the Impugned Valuation Ruling. They argued that these values were higher than the actual market values. The petitioners challenged the veracity of the said change mainly on the following grounds:

- a) That the impugned Valuation Ruling does not reflect the actual transaction values at which the petitioners, as well as other importers, import the goods in question.
- b) That the impugned Valuation Ruling was issued in complete disregard of the valuation methods prescribed under Section 25 of the Customs Act, 1969, which sets out comprehensive and sequential methods for determining customs values. These methods must be strictly adhered to, as reinforced by the landmark judgment of the Hon'ble Sindh High Court in the case of *Saida Jabbar v. Federation of Pakistan*.
- c) That no market inquiry was conducted by the Respondent. However, the impugned Valuation Ruling was issued under Section 25(6) without any rationale or justification, and no documentary evidence was disclosed.



4. The hearing for this case was conducted on 25-02-2025. During hearing, the petitioners were thoroughly heard. Mr. Rana Sakhawat Ali (Advocate), the learned Counsel for the petitioner, M/s. ANA & BATLA Industries (Pvt) Limited, reiterated the above-mentioned grounds of their petitions and contested the values in the impugned Valuation Ruling. He further argued that the value of the goods in question from Taiwan and other origins is 10-15% lower than that from China. Therefore, he requested a corresponding reduction of 10-15% in the customs value of the goods and urged that the impugned Ruling be remanded with instructions to provide all stakeholders, including the petitioners, a fair opportunity to be heard in the valuation determination process under Section 25A of the Act.

5. The Representative of the Respondent Department contested the arguments of the petitioner. He controverted the Petitioner's contentions mainly on following counts:

- a. That the Customs values determined under Section 25A of Customs Act, 1969 are fair values. The Valuation Ruling No. 1932/2024 dated 16.12.2024 is issued according to the provisions of law laid down in the Act, *ibid*.
- b. Valuation methods specified in section 25 of the Customs Act, 1969, were duly considered in sequential order to arrive at the customs values of subject goods. The transaction value method as provided in sub-section (1) of section 25 of the Customs Act, 1969, was found inapplicable due to absence of information as required under

sub-section (2) of section 25 of Customs Act, 1969. The identical goods value method as provided in section 25(5) was examined, some applicable values were found but that the same could not be solely relied upon due to absence of absolute demonstrable evidence of quantities and qualities. Subsequently, similar goods value method provided in section 25(6) was also examined in light of the clearance data of subject goods and was finally relied upon for the determination of Customs values of impugned goods under Section 25A of the Customs Act, 1969.

- c. The impugned Valuation Ruling is issued under section 25A of the Customs Act, 1969 after thoroughly examining prescribed methods as specified under section 25 of the Act *ibid*.

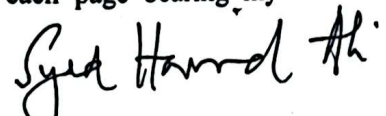
6. I have gone through the contentions of both the sides. The main areas of the controversy in the instant petitions are as follows: a) the alleged non-adherence to the sequential method of determination of value; b) the fixation of the values for the impugned goods disregarding the actual transactional values; and b) the non-participation of the petitioners in the earlier proceedings. These areas are discussed and evaluated as follows:

- (a) Firstly, the impugned goods were duly determined under the sequential method as given under section 25 of the Customs Act 1969;
- (b) Secondly, since the point of the view and the data presented by the petitioner's warrant a detailed examination of the data, the department should examine their documents and pleadings in greater detail by giving them an opportunity afresh;

7. In view of the foregoing it ordered that the Directorate may give an opportunity of hearing to the petitioners and decide the case within 3 weeks. Meanwhile the current Valuation Ruling No.1932/2024 dated 16.12.2024 shall hold field till issuance of the fresh Valuation Ruling.

8. The instant petitions filed in terms of Section 25D of the Customs Act, 1969 are accordingly disposed of in above terms.

9. Certified that this judgment consists of four (04) pages, each page bearing my signature.


(Syed Hamid Ali)
Director General

Registered Copy:

Petitioners
M/s. ANA & BATLA Industries (Pvt) Ltd <u>C/o Rana Sakhawat Ali Advocate</u> , Address: Office No. 1107, Floor 11 th Muhammadi Trade Tower, Altaf Hussain Road, New Challi Karachi.
M/s. TF Hygiene (Pvt) Ltd, Address: Suit # 104, First Floor Chappal Plaza, Hasrat Mohani Road Karachi.

Copy to:

1. The Member Customs (Operations), Federal Board of Revenue, Islamabad.
2. The Director General, Intelligence and Investigation (Customs)-FBR, Islamabad.
3. The Director General (Reforms & Automation), Custom House, Karachi.
4. The Director General, PCA& Internal Audit, Custom House, Karachi.
5. The Chief Collector Exports, Custom House, Karachi.
6. The Director General, Transit Trade, Custom House, Karachi.
7. The Chief Collector of Customs (Enforcement), Custom House, Islamabad.
8. The Chief Collector of Customs Appraisalment-Punjab, Custom House, Lahore.
9. The Chief Collector of Customs, (Appraisalment) Balochistan, Custom House, Quetta.
10. The Chief Collector of Customs, (Appraisalment) Khyber Pakhtunkhwa, Custom House, Peshawar.
11. The Chief Collector of Customs, Appraisalment, Custom House, Karachi.
12. The Director, Directorate of Customs Valuation, Lahore/ Peshawar/ Quetta.
13. The Secretary (Valuation & Audit), Federal Board of Revenue, Islamabad.
14. All Additional Directors / Deputy Directors / Assistant Directors, Customs Valuation, Karachi.
15. Deputy Director (HQ), Directorate General of Customs Valuation, Karachi, for uploading in One Customs & WEBOC Database System.
16. The Revision Section, Customs Valuation, Karachi
17. Guard File.
