



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 917-12/21**

**Abdullah Malik**

**(Appellant)**

**Vs.**

**Collector Custom**

**(Respondent)**

**ORDER**

Date: August 16, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated December 14, 2020 to the Commission, stating that he submitted an information request to the Collector Custom on November 24, 2020 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
  - i. That the applicant is an Advocate by profession, renowned human right activists and always strives to ensure enforcement of fundamental rights.
  - ii. It is requested that please provide detailed information at the given format regarding vehicles which were taken into custody due to nonpayment of custom duty from 1.1.2015 till to date and under what law an officer are using the same vehicles for their personal use.
  - iii. This information is being requested under the ACCESS TO INFORMATION ACT 2017 READ WITH ARTICLE 19-A OF THE CONSTITUTION Islamic republic of Pakistan.

**B. Proceedings**

3. The record on the file shows that the Respondent submitted its response on August 10, 2021 and its relevant text is as under:

*“Please refer to your hearing summon dated 05-08-2021 in an Appeal 17-02/21*

*In this regard, I am directed to say that the said Information has already m provided to the Honble Pakistan Information Commission in an identical appeal No -12/20 filed by Mr Abdullah Malik However, following submissions are hereby once in submitted before the Commission for ready reference*

*The confiscated vehicles which are non-tampered are put to auction after completion of the judicial process (List attached Annex-A)*

*Only confiscated and tampered vehicles are used for operational purposes by the Customs department in accordance with Customs General Order 5 of 2018 dated 24-05-2018 No budget allocation is made otherwise to the Customs field formations for purchase of vehicles However confiscated and tampered vehicles are also offered to other government departments & agencies which are allowed to use tampered vehicles*

*on the payment of token price A list of such vehicles sold to other government departments is attached (Annex-B)*

*In view of the aforesaid legal position I am further directed to request the –hon’ble Pakistan Information Commission to dismiss the instant appeal being devoid of merits”.*

4. The Appellant submitted his rejoinder on August 21, 2021 and its text is as under:

*“It is submitted with great concern that the applicant received your letter REGARDING INFORMATION SHARING In this regard it is stated that the applicant requested to the Collector custom Lahore for obtaining certain information through written requested and the request was properly served in his office dated on 25.11.2020 the same is still pending with FBR and the reply submitted before the PIC by the (DT-FATE) dated 9 August 2021 is is in correct not based on facts as he is not well aware of that request and he again submitted incomplete and incorrect information which he has already submitted in Appeal No. 763-12/20.*

*It is important to mention here that the PIC has already directed Chairman FBR to submit the facts within one month and the same case is still subjudice before PIC. Unfortunately (DT-FATE) Mr. M Alam Zaib Khan never served in the Custom department that's why due to ignorance relevant laws he is concealing the facts and misleading the court of PIC.*

*However, it's once again requested that action may be taken against the PIO / Chairman FBR for not providing the requested information within prescribed time limit.*

*The (DT-FATE) is just wasting the time since January 2021, even he failed to provide the information regarding Suo Motu Case No. 11/2018 in respect of case No. 44/3/2006 dated 3.3.2006 that whether the case No.44 was referred to ECC or not as directed by the Honorable Supreme Court of Pakistan actually the officers are misusing the confiscated and tempered and the CJP bar that illegal act in Suo Motu case No 11/2018 but the supreme court of Pakistan order is violated by the FBR authorities.*

*The information refer in appeal No. 917-02/21 relates to just Lahore not to the whole of the Pakistan and he submitted the same reply in Appeal No.763.*

*In view of the aforesaid facts and circumstances of the case, you are requested to please take necessary action against the Chairman FBR /PIO, for not providing the correct information UNDER THE RIGHT OF ASSECC TO INFORMATION ACT 2017.”*

### **C. Issues**

5. The instant appeal has brought to the fore the following issue:  
Are the Appellant, the Respondent and the subject matter is the same as earlier adjudicated upon by this commission?

### **D Discussion and commission’s views on relevant issues:**

6. This commission determines that the Appellant, the Respondent and the subject matter in the instant Appeal are the same as 763/12-20.
7. As the commission has already issued detailed judgement in the matter at hand and since both the Appellant and the Respondent are the same, there is no need to decide on the issue as to whether the requested information can be disclosed or not to the Appellant in the instant Appeal.
8. So far as the earlier Order of the commission in Appeal No. 763/12/20 is concerned, this Order is still in the field. Therefore, the subject-matter at hand needs to be dealt with in accordance with proceedings initiated in the earlier Order to avoid any duplication of proceedings pertaining to the implementation.

## **E. Order**

9. The Appeal is disposed of as proceedings are already taking place through earlier Order of this commission in Appeal No. 763/12/20.
  
10. Copies of this order be sent to Public Information Officer, Federal Board of Revenue, Collector, Collectorate of Customs and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: August 19, 2022

This order consists of 3 (three) pages, each page has been read and signed.