JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 2851/2025

M/s Creditable Busniess Hub (Ptv) Ltd

Versus

Federation of Pakistan, etc.

Petitioner by:	M/s Shafqat Mehmood Chohan and Wasi Ullah Khan Surrani, Advocates.
Respondents by:	Mr. Sarfraz Rauf, AAG. Mr. Shahanshah Shamil Paracha, Advocate, along with Ali Imran, Senior Engineer for respondent No.2. Ms. Ambreen Moeen, Advocate, along with Shumail Cheema, Legal Consultant for the applicant. Mr. Muhammad Hassan, Deputy Director (P&D), DPP, M/o NFS&R. Ms. Huma Nazir Kiyani, Entomologist, DPP, M/o NFS&R.
Date of Hearing:	15.09.2025.

KHADIM HUSSAIN SOOMRO, J: Through this writ petition, the petitioner has impugned the report issued by the Pakistan Council of Scientific and Industrial Research (PCSIR) and seeks direction to the respondents for fresh sampling of the consignment imported from Indonesia vide Bill of Lading No. BWG514146KKT, dated 03.06.2025.

2. The brief facts of the instant petition are that the petitioner imported a consignment of Betel Nuts falling under HS Code 0802.8000, originating from Indonesia, vide Bill of Lading No. BWG514146KKT, dated 03.06.2025. , comprising 338 bags. Prior to

Islamabad High Court, Islamabad

shipment, the consignment was inspected, supervised, and tested by a recognized and accredited laboratory in Indonesia in accordance with the applicable rules and procedures. The laboratory report confirmed that the Aflatoxin levels in the consignment were within permissible limits as prescribed for food products, and on that basis, the Ministry of Health, Republic of Indonesia, issued a Health Certificate declaring the goods fit for human consumption. In Pakistan, the regulation of Aflatoxin levels in food products, including dried fruits and nuts, falls under the jurisdiction of the Pakistan Standards and Quality Control Authority (PSQCA), which has fixed the maximum tolerable limit (MTL) for total Aflatoxins at 20 nanograms per gram (ng/g) in food articles. Upon arrival of the consignment in Pakistan, it was subjected to testing by the Pakistan Council of Scientific & Industrial Research (PCSIR) Laboratories Complex, Lahore. The PCSIR test report indicated that the Aflatoxin content exceeded the prescribed limit under the relevant laws.

3. The petitioner disputed the correctness of this report, alleging that the testing process was mishandled and that the results were unreliable, particularly in view of the contradictory findings from the Indonesian laboratory. The petitioner thereafter approached Respondent No.1 seeking retesting or resampling of the consignment through an independent third-party laboratory, specifically the PSQCA, which is recognized for such testing. However, the request

Islamabad High Court, Islamabad

for retesting was refused by Respondent No.1 through Respondent No.2, allegedly without lawful authority.

4. The petitioner contends that the refusal to allow retesting amounts to a violation of its fundamental rights, is contrary to the principles of natural justice, and has caused serious financial loss and damage to its business. The petitioner asserts that under the applicable customs and plant protection laws, retesting or resampling is a recognized procedure for determining the true quality and status of imported goods. Aggrieved by the said refusal and the disputed test report, the petitioner has approached this Court seeking directions for independent retesting of the consignment to ascertain the accurate Aflatoxin levels and to protect its lawful business interests in accordance with law.

5. Learned counsel for the petitioner contends that prior to shipment, the subject consignment was duly inspected, supervised, and tested by a recognized and accredited laboratory in Indonesia, strictly in accordance with the applicable statutory rules and prescribed procedures, and that the laboratory report unequivocally certified that the Aflatoxin levels were within the permissible limits prescribed for food products. It is further submitted that upon arrival of the consignment in Pakistan, the same was tested by the Pakistan Council of Scientific and Industrial Research Laboratories Complex, Lahore, whose report alleged that the Aflatoxin content exceeded the statutory threshold under the relevant legal regime. Learned counsel,

Islamabad High Court, Islamabad

however, seriously disputes the correctness, reliability, and legal sanctity of the said report, asserting that the testing process was mishandled and vitiated by procedural irregularities, particularly when viewed in juxtaposition with the contradictory findings of the accredited Indonesian laboratory. It is further argued that the petitioner, in order to resolve the controversy and to ensure a fair and transparent determination, approached respondent No.1 with a request for retesting or resampling of the consignment through an independent third-party laboratory, namely the Pakistan Standards and Quality Control Authority, which is duly recognized for such purposes, but the said request was arbitrarily declined. Learned counsel submits that, being aggrieved by the refusal of respondent No.1 and the disputed test report, the petitioner has been nstrained to invoke the constitutional jurisdiction of this Court, seeking Aflatoxin levels and to safeguard its lawful commercial interests in accordance with law. Lastly, the counsel submits that the instant petition is hit by the doctrine of resjudicata.

6. The Learned counsel for the respondent, controverting the submissions advanced on behalf of the petitioner, submits that the consignment in question, upon its arrival in Pakistan, was subjected to sampling and testing strictly in accordance with the governing statutory framework, prescribed protocols, and internationally accepted scientific standards by the Pakistan Council of Scientific and Industrial Research Laboratories and found Aflatoxcine level above

Islamabad High Court, Islamabad

the prescribed limits. Learned counsel further argues that the reliance placed by the petitioner on the pre-shipment laboratory report issued by a foreign laboratory cannot override or supersede the findings of the competent domestic authority mandated under Pakistani law to ensure public health and food, at best, facilitative in nature. Consequently, learned counsel prays that the petition be dismissed for want of merit.

7. I have heard the learned counsel for the parties and perused the material available on the record.

8. Before adverting to the merits of the case, it would be appropriate to briefly examine the statutory framework governing the subject matter of the present dispute. Section 3 is the substantive and controlling provision of the Act. It vests the Federal Government with the primary authority to prohibit, restrict, or regulate the import of plants, plant products, and pests which are likely to cause infection or harm to crops or plant life. This section empowers the Government to act preventively, even before any actual damage occurs, on the basis of likelihood or risk. It also authorizes the imposition of conditions such as inspection, examination, certification of non-infection, treatment, detention, confiscation, or destruction of infected articles. Section 5 operates as an enforcement and compliance mechanism flowing directly from Section 3. While Section 3 declares prohibitions or conditions, Section 5 ensures their practical implementation at ports, airports, railway stations, and other transit

Islamabad High Court, Islamabad

points. It places a statutory obligation on carriers, booking agents, and persons responsible for transportation not to receive, forward, or carry goods whose import is prohibited or whose prescribed conditions have not been fulfilled. Thus, Section 5 translates the policy and regulatory decisions taken under Section 3 into mandatory duties at the operational level, ensuring that prohibited or conditional goods do not enter the country through logistical or transport channels. Section 10, by contrast, is purely enabling and procedural in nature. It does not itself impose prohibitions or duties, but authorizes the Federal Government to frame detailed rules for carrying out the purposes of the Act. Through this provision, the Government is empowered to prescribe the manner of inspection, examination, treatment, certification, documentation, and fees. Section 10, therefore, supplies the legal foundation for subordinate legislation, such as the Pakistan Plant Quarantine Rules, 2019, which provide the technical and procedural details absent from the main Act. Precisely, Section 3 lays down the substantive regulatory power, Section 5 ensures enforcement and compliance with that power, and Section 10 enables the creation of a detailed procedural framework to operationalize both. Read together, these provisions demonstrate that the Act is designed as a preventive regulatory statute, where policy decisions are taken under Section 3, enforced through Section 5, and implemented in detail through rules made under Section 10.

Islamabad High Court, Islamabad

9. Reverting to the merits of the case, the core relief sought by the petitioner in this petition is restating- resampling of the bettle nuts. The Pakistan Plant Quarantine Act, 1976, is a brief and enabling statute that primarily empowers the Federal Government to regulate or prohibit the import of plants, plant products, or regulated articles in order to prevent the introduction and spread of pests and diseases. The Act itself does not contain any express or specific provision dealing with retesting or resampling of imported consignments. It is not disputed that on 14-06-2025, a sample was drawn in the presence of the authorized representative, namely Abdul Haseeb, and the same was forwarded to an accredited laboratory for analysis and issuance of a report. According to the laboratory report, the aflatoxin level was found to be 48.64 ppb, which exceeds the permissible limit of 30 ppb prescribed for betel nuts under the Codex Alimentarius Commission guidelines [CAC] and the standards notified by the Pakistan Standards and Quality Control Authority [PSQCA]. It is worth noting that The Codex Alimentarius Commission is an international intergovernmental body jointly established in 1963 by the Food and Agriculture Organization of the United Nations [FAO] and the World Health Organization [WHO] with the objective of developing harmonized international food standards, guidelines, and codes of practice, collectively known as the Codex Alimentarius, aimed at protecting consumer health and ensuring fairness in international food trade. The standards formulated by the

Islamabad High Court, Islamabad

Commission are science-based and cover a wide range of matters including food safety, hygiene, contaminants such as aflatoxins and other mycotoxins, pesticide residues, food additives, labeling, and methods of analysis and sampling, and are developed through expert scientific committees and adopted by consensus of member states.

10. In legal and regulatory practice, Codex standards carry substantial persuasive value and are widely adopted or relied upon by national regulatory authorities, including those in Pakistan, such as the Pakistan Standards and Quality Control Authority [PSQCA], Pakistan Council of Scientific and Industrial Research [PCSIR], and provincial food authorities. Moreover, Codex standards are expressly recognized under the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures [SPS Agreement] as international reference benchmarks for food safety and trade disputes, thereby serving as an authoritative basis for determining permissible contaminant limits, assessing food safety compliance, and guiding administrative as well as judicial decision-making in matters concerning import, export, and protection of public health.

11. No doubt the consignment has a certificate; however, the presence of such a certificate does not curtail or oust the statutory powers of the authorized officers in Pakistan to inspect, examine, sample, test, detain, treat, or take regulatory action against the

Islamabad High Court, Islamabad

consignment upon arrival. The local quarantine authorities retain full discretion to verify the actual phytosanitary status of the goods in accordance with domestic law, applicable rules, and prescribed standards, irrespective of the contents of the foreign certificate. In practical and legal terms, therefore, a foreign phytosanitary certificate has evidentiary and facilitative value, but it is not determinative. Where inspection or laboratory analysis conducted in Pakistan reveals non-compliance, contamination, or presence of regulated pests or toxins, the authorities are legally justified in disregarding the foreign certificate and proceeding in accordance with the Act and the Pakistan Plant Quarantine Rules, 2019.

12. According to a research paper titled "Aflatoxin contamination and recommendations to improve its control" published in a Netherlands-based journal, namely World Mycotoxin Journal, the permissible levels of aflatoxin for human consumption is 4 ppb. Nevertheless, some countries even allow for aflatoxin levels as high as 20 ppb to be permissible (reference made to U.S Food & Drug Administration, Compliance Policy Guide Section 638.100). Coming back to the case at hand, upon re-sampling, the samples were transmitted to another accredited laboratory for independent analysis, whereupon the subsequent test report again confirmed that the Aflatoxin content in the consignment exceeded the permissible threshold. These consistent and corroborative findings leave no room for doubt that the consignment fails to meet the mandatory food

Islamabad High Court, Islamabad

safety standards prescribed under the relevant legal framework. After lapse of almost two years, the petitioner has filed the instant petition, seeking re-sampling and re-testing from another laboratory.

13. According to *the research paper titled "Aflatoxins: A Global Concern for Food Safety, Human Health and Their Management" authored by Sang G Kan et al.*, aflatoxin is defined as a group of naturally occurring mycotoxins produced by certain fungal species, principally *Aspergillus flavus* and *Aspergillus parasiticus*, which commonly contaminate food commodities such as nuts, cereals, and dried fruits under conditions of heat and humidity. Another authoritative medical research paper titled "Research progress in toxicological effects and mechanism of aflatoxin B1 toxin" authored by Congcong Li et al., describes aflatoxin, particularly aflatoxin B1, as a highly toxic and potent hepatotoxic substance, recognized as a well-established human carcinogen, capable of causing acute hepatic failure as well as chronic liver injury, cirrhosis, and hepatocellular carcinoma. The text further emphasizes that contamination of food with aflatoxins constitutes a serious public health hazard, thereby justifying the imposition of strict permissible limits and regulatory control under food safety laws.

14. The detailed procedural framework is provided under the Pakistan Plant Quarantine Rules, 2019, which govern inspection, examination, testing, treatment, evaluation, and issuance of phytosanitary or release certificates by authorized officers. While

Islamabad High Court, Islamabad

these Rules clearly empower the authorities to conduct inspection and testing and to take decisions on compliance after technical evaluation, they do not expressly use the words "retesting" or "resampling" as an independent statutory right or procedure. In practice, however, the Rules permit examination, testing, treatment, and subsequent evaluation, and departmental procedures followed by the Department of Plant Protection allow re-evaluation of consignments after treatment, which may practically involve further testing or sampling. Such practices are in line with international phytosanitary standards, particularly those issued under the International Plant Protection Convention, but they operate as administrative or procedural measures rather than as an explicit right conferred by the Act itself.

15. Rule 45 of the Pakistan Plant Quarantine Rules, 2019, primarily deals with inspection, examination, and sampling of imported consignments at the point of entry and sets the procedural foundation for phytosanitary control before any consignment is cleared or released. In substance, Rule 45 authorizes the plant quarantine officer or any other authorized officer to inspect plants, plant products, or regulated articles upon arrival at a port, airport, dry port, or land border station. This inspection is not merely visual; it is a technical assessment carried out to determine whether the consignment complies with the import conditions prescribed under the Act, the Rules, the relevant import permit, and international

Islamabad High Court, Islamabad

phytosanitary standards. The rule recognizes that plant health risks may not always be apparent on the face of the consignment and therefore empowers the officer to go beyond superficial examination. A significant aspect of Rule 45 is the power to draw samples. Where the authorized officer considers it necessary, samples of the consignment may be taken for laboratory analysis to ascertain the presence or absence of quarantine pests, regulated non-quarantine pests, diseases, fungi, bacteria, insects, or other harmful organisms. The samples are sent to an approved or designated laboratory for testing in accordance with prescribed procedures. Rule 45 also contemplates detention of the consignment during the inspection and testing process. Until the examination is completed and laboratory results are received, the consignment may be withheld from clearance. This detention is preventive in nature and aims to ensure that no potentially harmful plant material enters local agriculture or the environment before its phytosanitary status is confirmed. Importantly, Rule 45 does not itself declare the final fate of the consignment. Rather, it operates as a preliminary and fact-finding stage. The outcome of inspection and sampling under Rule 45 forms the basis for subsequent actions under later rules, particularly Rules 46 and 47, which deal with regulatory action and treatment respectively. If the consignment is found compliant, it may proceed toward release; if non-compliant, further measures such as treatment, re-export, or destruction may be considered under the relevant

Islamabad High Court, Islamabad

provisions. From a legal perspective, Rule 45 reflects the precautionary principle embedded in phytosanitary law. It grants wide technical discretion to quarantine authorities, but that discretion is structured around objective criteria such as inspection findings, laboratory results, and prescribed standards. The rule does not confer an automatic right of clearance upon the importer, nor does it expressly provide for a statutory right of retesting or resampling; however, it lays the procedural groundwork upon which further evaluation or corrective measures may be taken in accordance with the Rules and departmental practice.

16. In view of the serious public health implications associated with aflatoxin contamination, this Court deems it appropriate to observe that the testing of betel nuts and other dry fruits must invariably be conducted through duly accredited and statutorily recognized laboratories, strictly in accordance with the prescribed sampling and testing protocols. Such commodities are highly susceptible to fungal contamination, and any lapse in scientific rigor, accreditation, or procedural compliance in laboratory analysis may lead to unreliable results, thereby either endangering consumer health or causing unwarranted prejudice to lawful commercial activity. Testing through accredited laboratories ensures technical competence, standardized methodology, traceability of samples, and integrity of results, which are essential for fair regulatory enforcement and judicial confidence. Moreover, reliance upon

Islamabad High Court, Islamabad

accredited laboratories minimizes the risk of contradictory reports, enhances transparency in administrative decision-making, and upholds the principles of due process. For these reasons, it is directed that the testing of betel nuts and other dry fruits, particularly for aflatoxin levels, shall be carried out only by accredited laboratories recognized under the relevant food safety and regulatory framework, so as to ensure accuracy, consistency, and protection of public health in accordance with law.

17. In view of the foregoing discussion, the material available on record, and the settled legal position, this Court finds no merit in the instant petition. The laboratory reports obtained from accredited institutions consistently establish that the aflatoxin level in the subject consignment exceeds the prescribed statutory limits; and no illegality, arbitrariness, mala fide, or violation of any statutory provision or fundamental right has been demonstrated so as to warrant interference in constitutional jurisdiction. Accordingly, the instant petition is dismissed, along with all pending applications, with no order as to costs.

(KHADIM HUSSAIN SOOMRO)
JUDGE

Announced in open Court on 15.12.2025.

JUDGE

Islamabad High Court, Islamabad

Approved for reporting

Zahid

Islamabad High Court, Islamabad