

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special STRA 166 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on CMA No.1164/2022.
2. For hearing of main case.
3. For orders on CMA No.1165/2022.

29.10.2025

Mr. Shoaib Noor, advocate for the applicant.

The impugned order has concluded as follows:

“25. In view of the above discussions the appeal is partly allowed. The OIO and OIA is maintained to extent of payment of SST of Rs.1,952,481/= on the value of service of Rs.24,401,014/= provided by the appellant to Nestle in Sindh alongwith default surcharge and penalty of Rs.78,099/= (@5% on the tax amount of Rs.1,952,481/=) under serial No.3 of the Table under section 43 of the Act. However the matter relating to un-reconciled services valuing Rs.130,263,778/= which were provided at Islamabad is remanded back to the AC for fresh inquiry and decision after providing proper right of hearing to the appellant.

26. The Commissioner (Appeals) has rightly imposed penalty of Rs.120,000/= at the rate of Rs.10,000/= per month under serial No. 2 of the Table under section 43 of the Act for not e-filing true and correct SST returns as provided under the Rules.

27. The contention of the department that the appellant during the tax periods had also provided taxable services to M/s Coca-Cola Beverages Pakistan Limited valuing Rs.3,444,722/-, KKC (Pvt.) Limited valuing Rs.1,184,815/=-, Pepsi-Cola International (Pvt.) Ltd valuing Rs.19,692,639/- and M/s Schlumberger Seaco Inc. valuing Rs.141,806/- is not part of SCN. The appellant cannot be penalized on mere presumption that record / details were not provided on this after thought assumption. However, if the Department is in possession of sufficient evidence in this regard it can issue fresh SCN to the appellant on this issue.

28. The appeal is disposed of in terms of 25, 26, and 27 above. The copy of this order may be provided to the learned representatives of the parties.”

Even though appeal of the applicant was partially allowed, this reference has been maintained there against and has remained pending for more than three years without any progress. The order was read and counsel was queried to demonstrate grievance arising there from, however, he remains unable to do so. On 18.05.2023, following order was passed:

“18.05.2023

Mr. Shoaib Noor for applicant.

1) Urgency granted.

2to4) Counsel seeks time to frame questions of law arising out of the impugned judgment. Adjourned to 25.05.2023.”

On 25.05.2023, following order was passed:

“25.05.2023

Mr. Shahid Hussain for applicant.

Learned counsel for the applicant is not prepared. Adjourned.”

On 04.12.2024, following order was passed:

“04.12.2024

Mr. Shoaib Noor, Advocate for Applicant.

Counsel needs further time to make compliance of order passed on 18.05.2023. At his request time allowed. Adjourned.”

Today counsel again is unable to articulate any question of law arising, therefore, this reference application is dismissed in limine.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Tribunal, as required per section 63(5) of the Sindh Sales Tax on Services Act, 2011.

Judge

Judge