

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

C. P. No. D – 1689 of 2024

(M/s. Yunus Textile Mills Limited V. Federation of Pakistan & Others)

Petitioner : M/s. Yunus Textile Mills Ltd. through Mr. Mushtaq Hussain Qazi, Advocate.

Respondents : Federation of Pakistan & Others through Mr. Irshad Ali, Assistant Attorney General.

Respondents No. 3 : Through Mr. Ghulam Asghar Pathan, Advocate.

Date of hearing : 04-11-2025

Date of decision : 04-11-2025

ORDER

Adnan Iqbal Chaudhry, J. The Petitioner has challenged notice dated 19.03.2024 issued by Respondent No. 4, the Deputy Director, Directorate of Intelligence & Investigation, Inland Revenue, Faisalabad under section 176 of the Income Tax Ordinance, 2001, calling information from the Petitioner's bank as to transactions made by Petitioner during certain financial years.

Case of the Petitioner is that territorial jurisdiction of Respondent No.4 is at Faisalabad, whereas the Petitioner carries on business at Karachi and its tax affairs are within the domain of the Large Taxpayers Office at Karachi; hence the impugned notice is without jurisdiction. As per the reply submitted by Respondents 3 and 4, the impugned notice was issued while investigating the offence of tax fraud under the Sales Tax Act, 1990 against M/s Ellahi Impex at Faisalabad; that notice was issued to the Petitioner's bank inasmuch as the accused's record reflected a payment from the Petitioner; however due to a typographical error, the notice mentioned the provision of section 176 of the Income Tax Ordinance instead of section 38-B of the Sales Tax Act, 1990.

Though we had initially confronted learned counsel for Petitioner with the territorial jurisdiction of this Court to issue a writ to an officer of Inland Revenue at Faisalabad, we do not determine the petition on that aspect inasmuch as learned counsel for Respondent No.3 submits that due to the

aforesaid defect, the impugned notice may be treated as withdrawn while reserving the power to issue a fresh notice under the correct provision of law.

Since the impugned notice is withdrawn, the purpose of the petition remains no more. Petition is disposed of accordingly with pending application.

JUDGE

JUDGE

Arshad/