

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Special STRA 221 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

1. For hearing of main case.
2. For orders on CMA No.2589/2025.

28.01.2026

Mr. Abdul Rahim Lakhani, advocate and Mr. Atta Muhammad Qureshi, advocate for the applicant.

Mr. Munawwar Ali Memon, advocate for the respondent.

Following questions had been proposed for determination:

“A. Whether on the facts and in circumstances of the case, the learned Appellate Tribunal Inland Revenue, Karachi has erred to confirm penalty under section 33 (5) of the Sales Tax Act, 1990, without establishing element of mens rea?

B. Whether on the facts and in circumstances of the case, the learned Appellate Tribunal Inland Revenue, Karachi has erred in considering the penalty under section 33 (5), having same characteristics of default surcharge under section 34 of the Sales Tax Act, 1990?

Learned counsel states that the said questions have already been decided in favour of the applicant by virtue of Division Bench of this court in the case reported as 2025 PTD 1519 and such judgment is squarely binding upon this Bench, therefore, questions framed be answered in favour of the applicant in mutatis mutandis application of reasoning so illumined. Counsel for the respondent does not contest the same and states that the matter be disposed of in the said terms, subject to right of appeal of the respondent department before the honourable Supreme Court. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 47(5) of the Sales Tax Act, 1990.

Judge

Judge