

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 295 of 2023
ITRAs 104, 159, 427 of 2024
ITRA 156, 195, 354, 355, 356, 90 & 95 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection
2. For hearing of main case

07.05.2026

Messrs. Barrister S. Ahsan Ali Shah, Qaim Ali Memon, Faheem Raza Khuhro, Asad Aftab Solangi, Imtiaz Ali Solangi, advocates for the applicant

Messrs. Anwer Kashif Mumtaz, Usman Alam, Shahrukh Farogh Nasim, advocates for respondent

It is stated that the question before the court in these references was “whether super tax could be imposed with retrospective effect”. It is contended that the issue had been decided by the learned Tribunal in pursuance with the judgment of this Court in the case of Shell Pakistan Limited reported as 2023 PTD 607, and it was concluded that retrospectivity was not to be sustained.

It is stated that vide judgment dated 27.01.2026 passed by the honourable Federal Constitution Court of Pakistan in the case of DG Khan Cement Company Limited and another vs. The Federation of Pakistan through Secretary Revenue Islamabad and others (CA No.1243/2020) and connected matters, the learned Federal Constitution Court has decided to the contrary and adjudged that the respective retrospectivity was in fact sanctioned by the law. Paragraph No.66 thereof reads as follows:

66. We deem it appropriate to address, in particular, the finding of the learned Sindh High Court that the application of Section 4B at a rate of 0% for Tax Year 2022 operates to bar the application of Section 4C for that year. We find that this reasoning cannot be sustained.

In view hereof these references are decided in favour of the department and against the taxpayer insofar as the issue of retrospectivity is concerned. These references are disposed of 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 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge