

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 25 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection No.27.
2. For orders on CMA No.203/2024.
3. For hearing of main case.

19.05.2026

Mr. Faheem Raza Khuhro, advocate for the applicant.

The matter is pending since 2024 without any progress. Diary demonstrates that the department has made no effort to have the matter listed or heard since inception. Today learned counsel is confronted with the concluding paragraphs of the impugned order, which reads as follow:

“13. It is a settled law that the decisions of Division Bench of ATIR are of a binding nature on another DB. In this respect, reliance is placed on ratio of decisions reported as 2004 PTD 62, 2010 PTD 1552, 2009 PTD 1507, PLD 1995 SC 423, 1995 SCMR 362, 2012 PTD 1123.

14. In view of the deliberation made supra and with respect to the above quoted case laws, it is held that the impugned order u/s. 122(5A) has no legal value and it cannot sustain itself in face of either legal or factual scrutiny in the above terms. Similarly, the learned CIR (Appeals) had no jurisdiction to uphold such an illegal order. Hence, the orders of both the below authorities are hereby annulled.

15. However, the annulment of the order would not debar the Department, subject to limitation, to do the needful strictly in accordance with law. Reliance in this regard is placed on case law reported as 108 Tax 67 (Trib.).

16. Since we have decided the appeal on legal issues, therefore, there is no need to dilate upon the other grounds of appeal which relate to the merits of the case.

17. Hence, the above appeal is disposed of as indicated above.”

Learned counsel was confronted that since there was no bar on the applicant to take action in accordance with law then why was no action taken, learned counsel was also queried as to when no merits were addressed in the judgment then what question arose for determination before this court. Learned counsel remains unable to address the same. Since no question of law has been articulated, therefore, 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 Appellate Tribunal, as required per section 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge