

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-6252 of 2026

Dated	Order with signature of Judge.
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- Priority
1. For hearing of CMA No.24844/2026
 2. For hearing of main case

13.10.2026.

Mr. Abdul Raheem Lakhani, Advocate for the Petitioner along with Mr. Atta Muhammad Qureshi, Advocate.

Mr. Ameer Nausherwan Adil, Advocate files Vakalatnama on behalf of the Department, which is taken on record. Aggrieved of an Order dated 25.05.2026 passed under section 161(1) of the Income Tax Ordinance, 2001 (the Ordinance), the Petitioner is in appeal before the Commissioner (Appeals) under section 127 of the Ordinance. By order dated 01.09.2026, the Commissioner had granted stay against recovery for a period of 15 days and again extended by Order dated 16.09.2026 up-till 23.09.2026. The grievance of the Petitioner is that while the appeal is pending for orders, the Commissioner (Appeals) has not passed any Order on the Petitioner's application to extend the stay. Counsel for the Department, does not dispute these facts.

The fact that Commissioner (Appeals) was inclined to stay recovery reflects that the Petitioner has a prima facie case that requires consideration. Since the application to extend stay was not rejected while pending the appeal, there is nothing to dislodge that presumption. Therefore, we allow this Petition with the direction that until the Commissioner (Appeals) decides the Petitioner's appeal, the officers of Inland Revenue are restrained from affecting recovery from the Petitioner on the basis of recovery notice dated 24.08.2026 issued under section 138(1) of the Ordinance for tax year 2024.

JUDGE

JUDGE