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

SSTRA No. 74 of 2022

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

1. For hearing of main case.
2. For hearing of CMA No. 522 of 2022.

**30-10-2026**

Barrister Sarfaraz Ali Metlo, advocate for the applicant.
Mr. Shamshad Ahmed Narejo, advocate for the respondent.

Learned counsel for the applicant states that the underlying premise appears to be that the applicant has charged and recovered sales tax, however, has not deposited the same with the board. He states that there is no evidence apparent in the impugned judgment to support the said contention and the same is prima facie contrary to the record before the learned Tribunal which positively demonstrates that no sales tax was ever invoiced. He states that notwithstanding the foregoing, the question before the Tribunal pivoted on Rule 3 (5) of the Sindh Sales Tax Special Procedure Withholding Rules, 2014. Learned counsel states that said rule has been interpreted in *pari materia* previous judgments of the learned Tribunal including judgment dated 01.06.2016 in Appeal No. AT.113/2015 (M/s. Inter Flow Communication (Pvt) Ltd. versus Commissioner-I, SRB, Karachi & others) and subsequently vide judgment reported as 2020 PTD (Trib.) 121. Learned counsel states that the impugned judgment has taken a view diametrically opposed to the earlier binding judgments which perhaps is inconsistent with the settled law. Learned counsel for the applicant states that it may be just and proper for the impugned judgment to be set-aside and the matter be remanded back to the learned Tribunal for adjudication afresh in accordance with law. Learned counsel for the respondent states that it may be just and proper for the said adjudication to be taken by a larger bench of the Tribunal so that the issue may be reconciled. 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 63 (5) of the Sindh Sales Tax on Services Act, 2011.

Judge

Judge

*PS/SADAM