ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Spl. STRA 145 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case

<u>02.09.2026</u>

Mr. Muhammad Aqeel Qureshi, advocate for the applicant

Following question of law had been proposed for determination :

"Whether under the facts and circumstances of the case, the Learned Appellate Tribunal Inland Revenue (ATIR) was justified in upholding the order of the CIR (Appeals), whereby the refund/adjustment of input sales tax was disallowed under Section 21(3) of the Sales Tax Act, 1990, in respect of invoices issued by a supplier prior to their subsequent suspension or blacklisting?

Notwithstanding the foregoing, learned counsel states that the impugned order has been rendered in a perfunctory manner comprises of six paragraphs of reproduction followed by an unqualified conclusion. Learned counsel states that the same is not befitting the last fact-finding forum in the statutory hierarchy.

The Appellate Tribunal is the last fact-finding forum in the statutory hierarchy; therefore, it is incumbent upon it to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed has been emphasized by the Supreme Court in the judgment reported as 2019 SCMR 1726. This High Court has consistently maintained that the Appellate Tribunal is required to proffer independent reasons and findings, and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on the judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgments have also maintained that if the impugned order is discrepant in the manner as aforesaid, the correct course is to remand the matter for adjudication afresh. Reliance is placed on the judgment dated 10.12.2024 in ITRA 343 of 2024.

We are of the considered view that the impugned order could not be considered to be a speaking order and is *prima facie* devoid of any independent reasoning etc. The entire order comprises essentially of reproduction and is crowned with a dissonant conclusion. Hence, no case is set forth to sustain the impugned order, which is hereby *set aside* and the matter is remanded back to the Appellate Tribunal for adjudication afresh in accordance with law.

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 subsection 5 of Sales Tax Act, 1990.

Judge

Judge

Amjad