THE HIGH COURT OF SINDH KARACHI

Before:
Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Hasan (Akber)

C.P. No. D – 5003 of 2026
[M/s. Navtex (SMC-Pakistan) Limited v. FOP and others]

Petitioner	:	M/s. Navtex (SMC-Pakistan) Limited through Mr. Arshad Hussain Shahzad, Advocate.
Respondents 1-3	:	Federation of Pakistan through its Secretary, Finance & others through Ms. Mehreen Ebrahim, DAG.
Respondent 4	:	The Commissioner-IR, through Mr. Noor Nabi, Advocate, *who holds brief for* Mr. Faheem Raza Khuhro, Advocate.
Date of hearing	:	27-08-2026
Date of decision	:	27-08-2026

O R D E R

Adnan Iqbal Chaudhry J.– Against an order dated 19-06-2026 passed by Commissioner (Appeals) under section 45-B of the Sales Tax Act, 1990 **[Act]**, the Petitioner has preferred an appeal to the Appellate Tribunal Inland Revenue under section 46 of the Act along with application to stay recovery of tax pending appeal. Grievance of the Petitioner is that neither the appeal has been heard nor has any order been passed on the stay application, and in the meanwhile the Petitioner is exposed to coercive process of recovery under section 48 of the Act. These facts are not disputed by learned counsel for Inland Revenue.

Under section 46 of the Act read with section 131(5) of the Income Tax Ordinance, 2001, the Appellate Tribunal Inland Revenue while seized of an appeal, is vested with discretionary powers to stay recovery of tax for a certain period. Since the Appellate Tribunal Inland Revenue has yet to decide the appeal nor has it passed any order on the Petitioner's stay application, we allow this petition in following terms. Until the Tribunal passes an order on the Petitioner's appeal or stay application, whichever is earlier, Respondents are restrained from effecting recovery from the Petitioner on the basis of assessment order dated 23-07-2026. Petition is disposed of in said terms.

JUDGE

JUDGE

*SHABAN**