

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Adnan Iqbal Chaudhry

C.P. No. D – 5654 of 2026

[Adamjee Life Insurance Company Limited v. FOP & others]

Petitioner : Adamjee Life Insurance Company Limited through M/s. Ovais Ali Shah and Jehanzeb Baloch, Advocate.

Respondents 1-2 : Federation of Pakistan and FBR through Ms. Mehreen Ibrahim, Deputy Attorney General for Pakistan.

Respondent 3 : Nemo.

Respondents 4-5 : Additional Commissioner, Inland Revenue, Zone-VI through Barrister Ghazi Khan Khalil, Advocate.

Date of hearing : 15-09-2026

Date of decision : 15-09-2026

ORDER

Adnan Iqbal Chaudhry J.- Aggrieved of an order dated 29-12-2023 passed under section 122(5A) of the Income Tax Ordinance, 2001 (**the Ordinance**), the Petitioner is in appeal before the Commissioner (Appeals) under section 127 of the Ordinance. By orders dated 06-07-2026 and 10-08-2026, the Commissioner had granted stay against recovery for a period of 15 days each i.e. up-till 24-08-2026. Grievance of the Petitioner is that while the appeal is reserved for orders, the Commissioner (Appeals) has not passed any order on the Petitioner's application to extend the stay. Counsel for the Inland Revenue, does not dispute these facts.

The fact that Commissioner (Appeals) was inclined to stay recovery *albeit* for 30 days, reflects that the Petitioner has a *prima facie* case that requires consideration. Since the application to extend stay was not rejected while reserving orders on 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 03-09-2026 issued under section 138(1) of the Ordinance for tax year 2018.

JUDGE

JUDGE

SADAM-SHABAN