ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Income Tax Reference Application No. 257 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

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

04.11.2026

Mr. Faheem Raza, advocate for the applicant.
Qazi Umair Ali, advocate for the respondent.

Following questions were proposed for determination:-

i. Whether in the facts and circumstances of the case, the learned Appellate Tribunal Inland Revenue is justified in annulling the order by holding that the word "enquiries" did not mean calling for information from the taxpayer and thereafter proceeding to finalise the order u/s 122(5A) of the Income Tax Ordinance, 2001 ?

ii. Whether under the facts and circumstances of the case, learned Appellate Tribunal Inland Revenue is justified to hold that the fishing and roving enquiries were conducted in the case?"

Learned counsel for the respondent states that insofar as question No.2 is concerned, which entirely is factual in nature and seeks to re-agitate the evidence in reference jurisdiction. Insofar as the first question is concerned, learned counsel for the respondent states that the same has been deliberated in detail in the impugned judgment as may be seen from paragraph-12 onwards and the conclusion is also based while following an earlier binding full bench decision of the learned Tribunal itself. Learned counsel states that the reasoning and rationale has not been disputed by the applicant’s counsel and it was in any way incumbent upon the learned Tribunal to follow an earlier binding judgment, therefore, he states that no case has been articulated before this Court for adjudication in reference jurisdiction.

Learned counsel for the respondent articulates no cavil to the narrative, however, states that since the full bench decision of the learned Tribunal is under challenge, therefore, the learned Tribunal ought not to have followed the same. Respectfully, we are unable to concur with the said argument as there is no cavil to the settled law that binding judgment remains binding unless the same is set-aside in appeal / reference etc. learned counsel for the applicant was queried with the said judgment as to whether it was set aside and he responded in negative.

In view hereof, we are of the considered opinion that no infirmity in the impugned judgment has been demonstrated before us and no question has been articulated arising herefrom, therefore, reference application is dismissed.

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 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge

Ayaz p.s.