

IN THE HIGH COURT OF SINDH, KARACHI

CP. No. D- 6792 of 2017

CP No.D-7595 of 2017

Date Order with Signature(s) of Judge(s)

Priority

1. For orders on office objection
2. For hearing of CMA No.1209/2022
3. For hearing of CMA No.1208/2022
4. For hearing of CMA No.28193/2017
5. For hearing of main case

28.01.2022

Mr. M. Umar Akhund, advocate for the petitioner in CP. No. D- 6792 of 2017

Mr. Muhammad Arshad Khan Tanoli, advocate for the petitioners in CP No.D-7595 of 2017

Mr. Muhammad Nishat Warsi, DAG

Mr. Zafar Imam, advocate for respondent-FBR

Mr. Zafar Imam, advocate files Vakalatnama on behalf of the respondent Federal Board of Revenue Islamabad in both the petitions. He filed a statement dated 28.1.2022 placing on record the order of the Hon'ble Supreme Court of Pakistan dated 7.12.2021, whereby the order dated 09.11.2017 passed by this Court has been suspended.

When confronted with the order of the Hon'ble Supreme Court of Pakistan to the learned counsel for the petitioner in CP No.D-6792/2017, he submitted that petitioner has now called in question the notification dated 06.1.2022, and the order dated 17.1.2022 passed by this Court has not been suspended.

Prima facie, this is not the correct position. The Hon'ble Supreme Court of Pakistan vide order dated 07.12.2021 in CP No.4999/2017 and CP No.335/2018 has suspended the operation of orders dated 25.10.2017 passed by the learned Lahore High Court, Lahore and order dated 9.11.2017 passed by this Court. Prima facie, the petitioner has the fresh cause of action so far as notification dated 06.1.2022 is concerned, therefore, we deem it appropriate to lay off our hands so far as the transfer and posting of the petitioner are concerned, as the Hon'ble Supreme Court of Pakistan has taken cognizance of the matter, which is still sub-judiced before the Hon'ble Supreme Court of Pakistan.

In view of the above, the interim order dated 17.1.2022 passed by this Court to the extent of transfer and posting of the petitioners via a notification dated 06.1.2022 is recalled. The learned counsel for the petitioners is directed to satisfy this Court about the maintainability of the instant petitions on the next date of hearing.

To come up after two weeks. Let a copy of this order be transmitted to the respondents for compliance.

JUDGE

JUDGE