

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C. P. No. D — 940 of 2009.

DATE	ORDER WITH SIGNATURE OF JUDGE[S]
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21.04.2022.

FOR HEARING OF MAIN CASE.

Mr. Sundar Das Advocate for petitioner.
Mr. Ayaz Ali Rajpar A.A.G. Sindh.

This petition was filed wherein the cause of the share was re-agitated which was earlier decided in a bunch of petitions i.e. C.P. No.D-485 of 2006 and others. The Division Bench vide order dated 1.12.2009 decided the claim of the petitioner as under:-

*“In C.P. No.D-458 of 2006, the amount shall be released by the D.C.O. to the 5 Union Councils which are the outcome by the bifurcated Union Council Sonwalhar which were initially one Union Council which is the petitioner and now have been bifurcated. The amount shall be disbursed to the proportionate strength of the employees of such Union Councils.
These petitions stand disposed of in the above terms.”*

Hence, consequently they should have approach the Provincial Finance Commission (PFC) and should have provided data of their entitlement and that could have ended the matter. However, they chose to file petition yet again. Even in this petition we cannot adjudge as to what is the outstanding amount of Octroi Zila Tax (OZT) share of the petitioner. Such date is to be provided independently to the Provincial Finance Commission (PFC) as disclosed by respondent No.1 in their parawise comments. The respondent No.1 which is Province of Sindh through Secretary Local Government has categorically stated that petitioner had not approached the said entity for releasing the withheld share of Octroi Zila Tax (OZT).

Thus in view of the parawise comments we deem it appropriate, though the petition would not lie but to direct the petitioner to exhaust their remedy by appearing before the Provincial Finance Commission and explain as to what amount is outstanding towards the Octroi Zila Tax (OZT).

With this observation the petition stands disposed of.

JUDGE

JUDGE

A.