

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**Special Sales Tax Appeals Nos. 20 & 21 of 2003**

Date	Order with signature of Judge
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For Regular hearing.

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**21.02.2023.**

Ms. Saima Anjum, Advocate holding brief for Dr. Muhammad Farogh Naseem, Advocate for Appellant.  
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Counsel holds brief for Dr. Muhammad Farogh Naseem, Advocate, and requests for adjournment as he is busy before another Bench. However, the matter was adjourned on the last date of hearing on a similar request; whereas, apparently the controversy, as raised in these matters, already stands decided; hence adjournment request is regretted.

It appears that in these Appeals one common issue is involved that whether the registered persons under the Sales Tax Act, 1990, were liable to pay any further tax while making supplies to unregistered persons. Identical question was earlier disposed of by this Court through various separate orders by following an earlier judgment of this Court on identical issue. However, the matter went before Honourable Supreme Court, wherein, all these cases were decided by way of a common Order dated 06.02.2012 passed in **Civil Appeal No. 652 of 2010** and other connected matters (***The Additional Collector of Customs and another Vs. M/s. Khairpur Sugar Mills Ltd. And others***), whereby, the orders of this Court were set-aside and all Reference Applications including some pending Petitions were directed to be decided a fresh. It further appears that subsequently, the controversy as raised in these matters, now stands decided by a Division Bench of this Court vide Judgment dated 22.04.2022 passed in **SSTRA 59 of 2007** (***Digri Sugar Mills Ltd. vs. The Additional Collector of Customs & Another***) in favour of the department and against the taxpayers. In this case (supra) the learned Division Bench

after going through the material and facts placed before it rephrased the question in the following manner:

*Whether, in the present facts and circumstances, further tax under sub-section (1A) of section 3 of the Sales Tax Act, 1990, was payable by the supplier on taxable supplies made to unregistered persons?*

And the said question was answered in the affirmative in favour of the department and against the taxpayer.

In view of above, since the question is answered as above, these Appeals filed by the taxpayers are disposed of in the terms that the proposed question is answered in favour of the department and against the taxpayers. Order accordingly.

Office to place copy of this order in the connected Appeal as above.

**J U D G E**

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