

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition Nos.D-5858/2021, 633 & 4983 of 2022

<i>Date</i>	<i>Order with signature of Judge</i>
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Priority

Const. Petition No.D-5858/2021

1. For hearing of CMA No.24676/2021
2. For hearing of main case.

Const. Petition No.D-633/2022

1. For hearing of CMA No.2900/2022
2. For hearing of main case.

Const. Petition No.D-4983/2022

1. For hearing of CMA No.21263/2022
2. For hearing of main case.

07.09.2023:

Mr. Khalid Mehmood Siddiqui, advocate for the petitioners.

Mr. Ameer Bakhsh Metlo, advocate for the respondent.

Mr. Iqbal Hussain, advocate for the respondent.

Mr. Muhammad Qasim, DAG.

Learned counsel for the petitioners has candidly submitted that the controversy agitated through instant petitions has already been decided by the Divisional Bench of this Court in the case of ***International Brands Limited V. Federation of Pakistan and others (C.P.No.D-8569/2018)*** vide judgment dated 28.02.2023, whereby, it has been held that “No exemption in respect of inter-
corporate dividends is presently available to the petitioners after omission of clause 103A from 2nd Schedule to the Income Tax Ordinance, 2001.” Learned counsel for petitioner has placed on record copy of such order passed in the aforesaid petition. Learned counsel for the respondents, do not dispute such position and submit that above petitions may be disposed off in similar terms.

Accordingly, aforesaid petitions are disposed of along with listed applications, in terms of paragraph 19 to 20 which read as follows:-

“19. The petitioners’ learned counsel could not demonstrate that Clause 103A conferred any vested right, in the nature of a past and closed transaction, upon the petitioners; to perpetuate even post omission of the benefit from the statute book. In so far as the issue of hardship and extra expense is concerned, it merits little mention that the same ought not to be relied upon to strike down legislation, in the present case being an omission.

Conclusion

20. Section 54 of the Ordinance is clear and it states that no exemption is to be considered in respect of taxation unless provided for in the Ordinance. No exemption in respect of inter-corporate dividends is presently available to the petitioners and while the petitioners availed the benefit of the relevant exemption during its tenancy, however, no case was made out to perpetuate the benefit and *infinitum* especially post conscious withdrawal of the said benefit by the Parliament.

21. In view hereof, these petitions were dismissed vide our short order dated 28th February 2023. These are the reasons for our short order. The office is instructed to place a copy hereof in each of the connected petitions.

JUDGE

JUDGE

Nadeem