

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
ITRA No.416 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGES
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Hearing of case

1. For orders on office objections.
2. For hearing of CMA No.3332/24 (stay)
3. For regular hearing

17.12.2024

M/s. Abdul Rahim Lakhani, Advocate and Atta Mohammad Qureshi,
Advocates for Applicant.

Ms. Dil Khuram Shaheen, Advocate for Respondent.

On 02.10.2024 following order was passed:-

- “1. Granted.
2. To be satisfied before the next date.
3. Granted subject to all just exceptions.
- 4-5. At the very outset, learned Counsel for the Applicant submits that Question No. “b” “*Whether on the facts and circumstances of the case the learned Appellate Tribunal Inland Revenue has erred in confirming addition under Section 111(1)(b) of the Income Tax Ordinance, 2001 based on misreading and non-reading of evidence produced during the proceedings?*” has already been decided in favour of taxpayer by the Hon’ble Supreme Court in the case reported as ***Commissioner Inland Revenue Lahore v. Messrs Millat Tractors Limited, Lahore and others (2024 129 Tax 459)***; and this Court in ITRA No. 371 of 2024 on 11.09.2024 in respect of same Question has already issued notice and a restraining order has been passed.

Let this Reference Application be admitted for regular hearing on the above Question of law for a date to be fixed by the office. Notice be issued to the Respondents for such date. Till then no coercive measures would be adopted against the Applicant.”

Today, Respondent’s Counsel concedes that the matter may be remanded to the Original Authority for deciding afresh in accordance with law.

In view of such position, by consent, the impugned orders of the Tribunal and the forums below, including Commissioner [Appeals] and the Original Authority are hereby *set-aside* and the matter stands remanded to the Original Authority, who shall decide the matter afresh in accordance with law and keeping in view the judgment of the Hon’ble Supreme Court reported in the case of **Commissioner Inland Revenue, Lahore Vs. M/s. Millat Tractors Limited & others (2024 SCMR 700)** after affording an opportunity of hearing to the Applicant. Let a copy of this order be issued to Assistant/ Deputy Commissioner, Inland Revenue, Unit-1, Range-A, Zone-III, RTO-I Karachi, Tax House Sharah-e-Kamal Ata Turk, Karachi, for compliance.

JUDGE

JUDGE