

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-769 of 2020

Date	Order with signature of Judge
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1. For orders on CMA No.8892/2020 (U/ A)
2. For orders on CMA No.8893/2020 (U/O XLI R.5, CPC)

13.03.2020

Mr. Makhdoom Ali Khan, advocate for petitioner

1. Granted.
2. Through listed application, filed by the petitioner under Order XLI, Rule 5(2), read with section 151, CPC, the petitioner has prayed that the operation of the order passed by this Court on 06.02.2020 in the instant petition was suspended for a period of 30 days to enable the petitioner to approach the Honourable Supreme Court by filing CPLA, whereafter, the petitioner has filed CPLA before the Honourable Supreme Court along with urgent hearing application, however, in view of the engagement of the Honourable Supreme Court in some important matters, the case of the petitioner has not been fixed, therefore, requests that the period may be extended for another period of 30 days to enable the petitioner to seek remedy before the Honourable Supreme Court against the order dated 06.02.2020. Per learned counsel, under similar circumstances, this Court has been pleased to exercise such jurisdiction by extending the time period in C.P. No.D-5264/2019 in the case of Dubai Islamic Bank Pakistan Limited vs. Pakistan and others and has placed the copy of order dated 20.09.2019 passed by this Court in such circumstances.

Since the aforesaid petition was dismissed *in limine*, without notice to the respondents, therefore, there is no need to issue notice to the respondents. Accordingly, listed application is granted and the operation of the impugned order is suspended for a further time of 30 days from the date of this order.

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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-873 of 2015

Date	Order with signature of Judge
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For orders on CMA No.28881/2015 (u/A 199)

13.03.2020

Mr. Omair Usman, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Learned counsel for petitioner requests for time to seek instructions.

To come up after four weeks.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-3260 of 2014

Date	Order with signature of Judge
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1. For orders on CMA No.3020/2016 (u/s 151, CPC)
2. For hearing of main case

13.03.2020

Mr. Khadim Ali Metlo, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Learned counsel for petitioner, under instructions, submits that the appeal has been decided in favour of the petitioner, therefore, the purpose of filing the instant petition has been served out, however, requests that the respondents may be directed to release the differential amount of duty and taxes which, according to the learned counsel for petitioner, was deposited by the petitioner before the concerned Collectorate at the time provisional release of the consignment. Order accordingly.

Instant petition stands disposed of in the above terms along with listed application.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-891 of 2014

Date	Order with signature of Judge
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For hearing of main case

13.03.2020

Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Petitioner and his counsel are called absent. No intimation is received. Record shows that the instant petition was filed on 22.02.2014, thereafter, the petitioner and his counsel have not remained vigilant to proceed with the matter, however, instant petition has been fixed in Court after more than three years. It appears that the petitioner has lost interest to pursue the instant petition. Accordingly, instant petition is dismissed for non-prosecution.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1467 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.6680/2020 (Stay)
2. For hearing of main case

13.03.2020

Mr. Shiraz Ahmed, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice, Mr. Rana Sakhawat Ali, advocate, has shown appearance, holds brief on behalf of Mr. Kafeel Ahmed Abbasi, advocate, who is reportedly busy before another Bench, files his vaklatnama on behalf of respondent No.4, claims copy of instant petition along with annexures and requests for time to file comments. Learned counsel for petitioner undertakes to supply the copy before the next date. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after two weeks, as per roster.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1417 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.6473/2020 (Stay)
2. For hearing of main case

13.03.2020

Mr. Rana Sakhawat Ali, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice, Mr. Ghulam Asghar Pathan, advocate, has shown appearance, files vaklatnama on behalf of respondent No.2, and requests for time to file comments. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after four weeks.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1404 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.6426/2020 (Stay)
2. For hearing of main case

13.03.2020

Mr. Rana Sakhawat Ali, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice, Mr. Nadim Taqi, advocate, has shown appearance, undertakes to file vaklatnama on behalf of respondents, claims copy of instant petition along with annexures and requests for time to file comments. Learned counsel for petitioner undertakes to supply the copy before the next date. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up **02.04.2020**.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.Ps. Nos.D-1683 and 1343 of 2020

Date	Order with signature of Judge
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13.03.2020

Mr. Abdul Moiz Jaffery, advocate for petitioners
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notices, Mr. Muhammad Khalil Dogar, Ms. Masooda Siraj and Ms. Humma Nayab, advocates, have shown appearance, undertake to file vaklatnamas on behalf of respondents, claim copy of instant petitions and request for time to file comments. Learned counsel for petitioner undertakes to supply the copy before the next date. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioners.

To come up on **07.04.2020**.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1150 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.5351/2020 (Stay)
2. For hearing of main case

13.03.2020

Mr. Farjad Ali Khan, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Mr. Deen Muhammad Qazi, advocate, holding brief on behalf of Dr. Shahnawaz, learned counsel for respondent, who is reportedly busy before another Bench, requests for time to file comments on behalf of respondents.

To come up after four weeks. Interim order passed earlier to continue till the next date of hearing.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1108 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.5189/2020 (Stay)
2. For hearing of main case

13.03.2020

Ms. Wajiha M. Mehdi and Mr. Muhammad Jahangir, advocates for petitioner

Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Ms. Tayyeba, advocate, holding brief on behalf of Mr. Zain A. Jatoi, advocate, who is reportedly unwell, undertakes to file his vakalatnama on behalf of respondents and requests for time to file comments. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after four weeks.

J U D G E

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.Ps. Nos.D-794 and 795 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

13.03.2020

Mr. Deen Muhammad Qazi, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General
Syed Mohsin Imam, advocate for respondents

Both the learned counsel submit that instant petitions may be disposed of in terms of earlier orders already passed by this Court in number of petitions involving similar controversy, wherein, respondents have been restrained from enforcing recovery of impugned demand, which is subject matter of appeal pending before the Commissioner Inland Revenue (Appeals), RTO, Sukkur, till its final decision.

Accordingly, instant petitions are being disposed of with directions to the respondents not to enforce recovery of impugned demand, which is subject matter of appeal before Commissioner Inland Revenue (Appeals), STO, Sukkur, till its final decision. It is expected that the Commissioner Inland Revenue (Appeals), RTO, Sukkur, may decide the appeals of the petitioners, preferably within a period of four weeks from the date of receipt of this order, which shall be communicated to the concerned Commissioner Inland Revenue (Appeals) by the petitioners within a week. In case of any adverse order, if passed by Commissioner Inland Revenue (Appeals), RTO Sukkur, against the petitioner in the instant case(s), the respondents may not enforce recovery of impugned demand for another period of seven (07) days from the date of receipt of such appellate order to enable the petitioners to seek further remedy in accordance with law.

Instant Petitions stands disposed of in the above terms along with listed applications.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-553 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.2384/2020
2. For hearing of main case

13.03.2020

Mr. Manzar Hussain, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice, Ms. Humma Nayab, advocate, has shown appearance, holds brief on behalf of Mr. Muhammad Billal Bhatti, learned counsel for respondents, who is reportedly out of station, requests for time to file comments on behalf of respondents. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after four weeks.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-325 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA No.1353/2020 (Stay)
2. For hearing of main case

13.03.2020

Ms. Maryam, advocate, holds brief on behalf of Mr. Ovais Ali Shah,
advocate for petitioner

Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

Pursuant to Court's notice, Mr. Ghulam Murtaza Korai, advocate, has shown appearance, files vakalatnama on behalf of respondents and requests for time to file comments. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after four weeks.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.Ps. Nos.D-8309 and 975 of 2019

Date	Order with signature of Judge
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1. For orders on CMA No.6942/2020 (U/A)
2. For hearing of CMA No.36623/2019 (Stay)
3. For hearing of main case

13.03.2020

Mr. Rana Sakhawat Ali, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General

1. Learned counsel for petitioner seeks urgency. Urgency granted.
- 2&3. Pursuant to Court's notice, M/s. Amer Raza and Jazib Aftab, advocates, have shown appearance, undertake to file vakalatnamas on behalf of respondents 2 and 5, respectively, claim copy of petition along with annexures, and request for time to file comments on behalf of respondents. Learned counsel for petitioner undertakes to supply the copy before the next date. Let comments, if any, shall be filed before the next date, with advance copy to the learned counsel for petitioner.

To come up after four weeks.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-7614 of 2019

Date	Order with signature of Judge
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1. For hearing of Misc. No.33576/2019
2. For hearing of main case

13.03.2020

Mr. Zia-ul-Hassan, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General
Mr. Khalid Rajpar, advocate for respondents

Learned counsel for petitioner, under instructions, submits that the petitioner will be satisfied and will not press the instant petition, provided the respondents may be directed to consider the request of the petitioner for provisional restoration of sales tax registration and unblocking of the petitioner's user ID, during the pendency of the trial before the trial court and adjudication proceedings as may be initiated by the department in accordance with law as, according to learned counsel for petitioner, unless the sales tax registration of the petitioner is restored and his user ID is unblocked, the petitioner will not be in a position to carry on his business activities. Learned counsel for respondents does not oppose such request of the petitioner.

Accordingly, instant petition stands disposed of along with listed application, with direction to the petitioner to attend the trial court and cooperate in the adjudication proceedings as initiated by the Department, whereas, respondents are directed to consider the request of the petitioner for provisional restoration of his sales tax registration and unblocking of his user ID in accordance with law after providing opportunity of being heard so that the petitioner may be able to carry on his business activities. It is expected that such exercise may be completed within four weeks from the date of receipt of this order, which shall be communicated to the department concerned by the petitioner within a period of seven days.

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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1554 of 2019

Date	Order with signature of Judge
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1. For hearing of CMA No.7027/2019
2. For hearing of main case

13.03.2020

Mr. Jam Zeeshan, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General
Mr. Khalid Rajpar, advocate for respondent
Ms. Maimoona, advocate, holds brief for Mr. Sohail Muzafar,
advocate

Copy of comments, filed on behalf of respondent No.4, has been supplied to the learned counsel for petitioner, who requests for time to examine the same.

To come up after four weeks. Interim order passed earlier to continue till the next date of hearing.

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Gulsher/PS

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.Ps. Nos.D-511 and 1973 of 2019

Date	Order with signature of Judge
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13.03.2020

Mr. Taimoor Ahmed Qureshi, advocate for petitioner
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General
Syed Mohsin Imam, advocate for respondents
Mr. Muhammad Rashid Arfi, advocate

Learned counsel for petitioner submits that in both these petitions, notices were issued to the petitioners from the office of Deputy Commissioner, Inland Revenue, Specialized Unit, Broadening of Tax Base (BTB) Zone, RTO-II, Karachi, under Section 176 of the Income Tax Ordinance, 2001, requiring the petitioners to furnish details relating to the record regarding income tax returns filed by the petitioners, which authorities not vested in respondents, who can take cognizance in cases of non-filers, whereas, petitioners are existing tax-payers/assesses .

Learned counsel for respondents request for time to seek instructions in the instant matters in respect of an order which, according to the learned counsel for petitioners, has been passed in violation of Court's order, whereas, contempt of Court application has also been filed by the petitioner. Learned counsel for the petitioners submits that the petitioners will be satisfied and will not press the contempt application, provided the concerned Commissioner Income Tax may pass appropriate order under Section 122A of the Income Tax Ordinance, 2001, by recalling the order passed by the Deputy Commissioner in violation of the Court's order.

Let the needful be done before the next date of hearing. Let copy of this order be provided to the learned counsel for respondents for onward transmission to the concerned Commissioner, Inland Revenue, for information and compliance.

To come up on **06.04.2020**, when instant petitions will be finally heard and disposed of at *Katcha Peshi* stage. Interim order passed earlier to continue till the next date of hearing.

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