

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. NO. D- 7842 of 2022

Date

Order with signature of Judge

**Fresh Case.**

1. For hearing on Misc. No. 33218/2022. (Exp/App)
2. For hearing of main case.  
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**22.10.2024.**

Mr. Fahad Khan, Advocate for Petitioner.  
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Learned Assistant Attorney General present in Court waives notice of this petition; whereas, Mr. Faheem Raza, Advocate undertakes to file Vakalatnama on behalf of concerned Commissioner.

This matter pertains to the *vires* of section 4C of the Income Tax Ordinance 2001 and provision/s appurtenant thereto, related to imposition of super tax. The issue stands determined by a Division Bench of this Court in the case reported as ***Shell Pakistan Limited vs. Federation of Pakistan & Others (2023 PTD 607)***.

Therefore, in *mutatis mutandis* application of the reasoning and rationale so assigned in ***Shell Pakistan***, the subject petition is also disposed of upon the same terms, being:

*“1. Sections 4C of the Income Tax Ordinance 2001 is read to reflect that the levy shall be applicable from the tax year 2023.*

*2. Notwithstanding the foregoing, the 1<sup>st</sup> proviso to Division IIB of Part I of the First Schedule to the Income Tax Ordinance 2001 is declared to be discriminatory, hence, ultra vires to the Constitution.*

*The operation of this judgment shall remain suspended for a period of sixty days from the date hereof; hence, the securities furnished pursuant to respective ad interim orders shall remain intact for the said period.”*

**J U D G E**

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