

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Spl. STRA 1838 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection
2. For hearing of CMA No.5048/2023
3. For hearing of main case

28.11.2025

Rana Sakhawat Ali, advocate for the applicant
Mr. Anwer Kashif Mumtaz, advocate for respondent

On 17.10.2025, following order was passed :

“17.10.2025

Rana Sakhawat Ali, advocate for the applicant

Following questions of law are proposed for determination :

1. Whether under the facts and circumstances of the case the learned ATIR has erred in law by holding that the registered persons ‘was not liable to collect and charge further tax from wholesaler who are not registered with sales tax division, since wholesalers were liable to be registered as per Sales Tax Act, 1990’ in the presence of the hon’ble Supreme Court of Pakistan’s judgment in Zak Re Rolling Mills (Pvt.) Limited v. Appellate Tribunal Inland Revenue and others (2020 SCMR 131)
2. Whether under the facts and circumstances of the case the goods which are not included in S.R.O. 648(I)/2013 are exempt from chargeability of further tax?
3. Whether under the facts and circumstances of the case the learned Tribunal’s reading the law would render section 3(1A) of the Act as redundant when the law requires that redundancy ought not to be attributed to legislation?
4. Whether under the facts and circumstances of the case the learned Tribunal’s interpretation would prima facie render the statutory provision u/s 3(1A) otiose as envisaged in the ho’nble Sindh High Court’s decision in Digri Sugar Mills Limited versus The Additional Collector of Customs, Sales Tax and Central Excise and another (2023 SLD 1349).

Learned counsel further states that the same are clinched in favour of the department by virtue of judgments reported as 2023 PTD 825, 2001 SCMR 1398 and 2020 SCMR 131.

The reference application is admitted; notice to the respondent for 31.10.2025 through first two modes as well as courier. Learned counsel to place tracking report of courier on record. In the meanwhile, operation of the impugned order is suspended”

Learned counsel for respondent states that the judgments of the Supreme Court cited have not been considered by the learned Tribunal, therefore, it may be just and proper to set aside the impugned judgment and remand the matter for consideration afresh in accordance with law. Learned counsel further seeks that pending the aforesaid no coercive action be taken against the respondent arising herefrom. Learned counsel for the applicant articulates no cavil in such regard and states that the reference application may be disposed off in the above terms. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 47 subsection 5 of Sales Tax Act, 1990.

Judge

Judge

Amjad