

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Spl. STRA 570 and 571 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection
- 2. For hearing of CMA No.2870/2019
- 3. For hearing of main case

**16.12.2025**

Rana Sakhawat Ali advocate holds brief for Mr. Muhammad Aqeel Qureshi, advocate for the applicant

Learned counsel points to order-in-original and reads out the following passage :

*“In the instant case the appellant’s case during adjudication means to establish the genuineness of the transaction with RPs subsequently blacklisted. The appellant, in the instant case, could have established his case and stance on the basis of evidences like physical transfer of goods, invoices and bank transaction etc. so as then to correctly rely on the case law reported as PTCL 2013 CL 235 (ATIR) & PTCL 2016 CL 822 (ATIR Lahore). The Taxation Officer mentioned the deficiency on pages 8 & 9 of the order in original. As the appellant failed to establish his case by producing complete evidences as to physical transfer of goods and compliance to the provisions of section 73 of the Act, and in view of the availability of the substantive statutory provisions of law, I find myself not inclined to accede to the prayer of the appellant.*

*Keeping in view the above discussions, the input tax claimed on the basis of sales tax invoices issued by black listed units are termed a fake transactions which has rightly been disallowed by the DCIR and his action is hereby confirmed.*

*Appeal is disposed off as indicated above”*

Per learned counsel the said issue has not been discussed in the impugned order and the order has been rendered merely on issue extraneous to adjudication. He states that such innovation is not sustainable in law more so when the Tribunal is the last fact-finding forum in the statutory hierarchy.

Learned counsel states that service has been effected through publication and relevant newspaper has been placed on record.

The Appellate Tribunal is the last fact-finding forum in the statutory hierarchy; therefore, it is incumbent upon it to render independent deliberations and findings on each issue. The manner in which the appeals in general are to

be addressed has been emphasized by the Supreme Court in the judgment reported as 2019 SCMR 1726. This High Court has consistently maintained that the Appellate Tribunal is required to proffer independent reasons and findings, and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on the judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgments have also maintained that if the impugned order is discrepant in the manner as aforesaid, the correct course is to remand the matter for adjudication afresh. Reliance is placed on the judgment dated 10.12.2024 in ITRA 343 of 2024.

We are of the considered view that the impugned judgment could not be considered to be a speaking order and is *prima facie* devoid of any independent reasoning etc. The entire judgment comprises essentially of reproduction and is crowned with a dissonant conclusion. Hence, no case is set forth to sustain the impugned judgment, which is hereby *set aside* and the matter is remanded back to the Appellate Tribunal for adjudication afresh in accordance with law.

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. Office is instructed to place copy of this order in connected matter.

Judge

Judge

Amjad