

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Income Tax Reference Application No.01 of 2026

Date	Order with Signature of Judge
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Fresh case

1. For order on office objection Nos.14 & 29
2. For order on CMA No. 61/2026
3. For hearing of main case

12.02.2026

Mr. Nusrat Ali Shar, Advocate for the applicant

This reference assails the judgment of the learned tribunal dated 29.10.2025. *Prima facie* the impugned judgment has been rendered upon due consideration of the facts and circumstances and appeared guided by the authority of the superior courts.

On 12.01.2026, learned counsel remained unable to articulate any question of law meriting interference in reference jurisdiction, therefore, at his request the matter was adjourned to a future date. On the said date, 26.01.2026, counsel remained unable to assist and sought time to obtain instructions. As requested, the matter was adjourned.

The matter was listed for the third successive time today and learned counsel fared no different. The sole supplemental argument was inexplicable reliance upon 2023 SCMR 2084; which pertained to delegation of powers and could not be demonstrated to have any nexus with any question pleaded for determination. An effort was also made to seek *de novo* appreciation of evidence.

In so far as the *de novo* appreciation of evidence is concerned, it would suffice to reiterate settled law that the learned tribunal is the last forum of fact in the pertinent statutory hierarchy. The appreciation of evidence was only material before the subordinate adjudication fora and no appreciation of evidence is merited before this Court in the exercise of its reference jurisdiction¹. Learned counsel remained unable to dispel the preponderance of reasoning / record relied upon in the impugned judgment and could not demonstrate that the conclusion reached could not have been rested thereupon.

Respectfully, it is reiterated that the learned Appellate Tribunal is the last fact finding forum in the statutory hierarchy, therefore, such *de novo* adjudication does not fall within the ambit of reference jurisdiction². Since no question of law has been articulated before us to be adjudicated in reference jurisdiction, therefore, this reference application is dismissed in *limine*.

¹ Per Qazi Faez Isa J in *Middle East Construction vs. Collector Customs*; judgment dated 16.02.2023 in Civil Appeals 2016 & 2017 of 2022; *Collector of Sales Tax vs. Qadbros Engineering Limited* reported as 2023 SCMR 939; *Army Welfare Trust vs. Collector of Sales Tax* reported as 2017 SCMR 9; *Pakistan Match Industries (Pvt.) Ltd. Vs. Assistant Collector, Sales Tax and Central Excise* reported as 2019 SCMR 906; *Commissioner of Inland Revenue, Lahore vs. Sargodha Spinning Mills (Pvt.) Ltd.* reported as 2022 SCMR 1082.

² Per Munib Akhtar J in *Collector of Customs vs. Mazhar ul Islam* reported as 2011 PTD 2577 – Findings of fact cannot be challenged in reference jurisdiction.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned tribunal, as required per Section 133(8) of the Income Tax Ordinance, 2001.

JUDGE

JUDGE

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