

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 418 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For hearing of CMA No.2797/2025
- 2. For hearing of main case

**26.01.2026**

Mr. Muhammad Inzimam Sharif, advocate for the applicant  
Mr. Irfan Mir Halepota, advocate for respondent

Following questions of law are proposed for determination :

- i. Whether on the facts and circumstances of the case, the learned Tribunal erred in failing to appreciate that payment of Super Tax under Section 4C of the Ordinance, 2001 is not applicable on capital gains which are zero rated under Division VIII Part I of the First Schedule to the Ordinance, 2001?
- ii. Whether on the facts and circumstances of the case, the learned Tribunal erred in failing to appreciate that Super Tax under Section 4C is not applicable on income which falls under the final tax regime?
- iii. Whether on the facts and circumstances of the case, the learned Tribunal erred by failing to provide detailed reasons in respect of the merits of the case as encapsulated under Section 24-A of the General Clauses Act, 1897 read with Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973?

For present purposes, learned counsel presses question No.3 and states that the applicant would be satisfied if in view thereof the impugned order is set aside and the matter is remanded back to the learned Tribunal for adjudication afresh in accordance with law expeditiously, preferably within 90 days. He also seeks that pending the foregoing no coercive action be taken against the applicant. Learned counsel for respondent articulates no cavil in such regard and states that this reference application may be disposed of in the said 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 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge