

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special STRA 18 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For hearing of main case.
- 2. For hearing of CMA No.548/2018.

29.10.2026

Qazi Umair Ali, advocate for the respondent.

Ms. Summiya Kalwar, advocate files Vakalatnama on behalf of applicant, same is taken on record.

Following questions have been proposed for determination:

- A. Whether, in the given express provision of section 44 of SSTOS Act 2011, the Honorable Appellate Tribunal, SRB was justified to waive the default surcharge by holding merely on the basis of request o respondent that the respondent is not liable to pay the default surcharge notwithstanding the said provision contains the words "willful or otherwise"
- B. Whether the learned Honorable Tribunal, SRB was justified by remitting the penalty imposed for non-declaring true and correct sales tax returns i.e. mis-declaration by the respondent as required under section 30 of the SSTOS Act, 2011, and for declaring the taxable services as exempt causing late payment of SST which sufficiently constitute willful default.

It is jointly stated that first question has been decided in favour of the applicant Board by virtue of judgment of this court dated 04.09.2026 passed in Special STRA 67/2019 and connected matters [SRB v. Fumicon Services (Pvt.) Ltd. Karachi]. It is further stated that second question has been determined against the Board and in favour of the respondent by Division Bench of this court in the case of SRB v. Itecknologi Tracking Services (Private) Limited & Others reported as 2026 SBLR Sindh 2421. It is hereby sought that questions be answered accordingly and reference be disposed of. 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 Tribunal, as required per section 63(5) of the Sindh Sales Tax on Services Act, 2011.

Judge

Judge