ORDER SHEET

# IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 297 of 2016
ITRA 364 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
|---|---|

For hearing of main case

**27.08.2026**

Mr. Nadeem Ahmed Dawoodi, advocate
for applicant in ITRA 297 of 2016

Mr. Ameer Bux Metlo, advocate for respondent

Following questions of law were proposed for determination of these references.

> Whether the Appellate Tribunal Inland Revenue was justified in confirming the annulment of addition made U/s 111(1) (b) instead of deleting the addition made in amended order passed U/s 122(5A) although the CIR (Appeals) and Appellate Tribunal had held that provision of Section 111 (1) (b) is not applicable?

It is jointly stated that the said question has already been decided in favour of the taxpayer and against the department by virtue of judgment of honourable Supreme Court in Millat Tractor's case reported as 2024 SCMR 700. In view hereof, it is sought that the said question be answered in favour of the taxpayer and against the department in *mutatis mutandis* application of the aforesaid judgment. 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. Office is instructed to place copy of this order in connected matter.

Judge

Judge

Amjad