

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special STRA 38 of 2024

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

- 1. For orders on office objection.
- 2. For hearing of CMA No.1017/2024.
- 3. For hearing of main case.

03.11.2025

Mr. Faheem Raza Khuhro, advocate for the applicant.

Bailiff report demonstrates that service has been effected. Per learned counsel, the impugned order cannot be considered as a speaking order, as it contains no independent deliberation, discussion and / or reasoning. Learned counsel states that dealing with the lis, the Appellate Tribunal has rendered the judgment in a perfunctory manner and the same is not befitting the last fact finding forum in the statutory hierarchy.

The Appellate Tribunal is the last fact finding forum in the statutory hierarchy, therefore, it is incumbent upon the same to render independent deliberations and findings on each issue. The manner in which the appeals in general are to be addressed to be emphasized by the Supreme Court in judgments reported as 2019 SCMR 1626. This High Court has consistently maintained that the Appellate Tribunal is required to possess independent reasons and findings and in the absence thereof a perfunctory order could not be sustained. Reliance is placed on judgment dated 02.10.2024 in SCRA 1113 of 2023 and judgment dated 27.08.2024 in SCRA 757 of 2015. Earlier Division Bench judgment has also maintained that if the impugned order is discrepant in the manner as aforesaid even grant to remand the matter for adjudication afresh. Reliance is placed on judgment dated 10.12.2024 in ITRA 342 of 2024.

We are of the considered view that the impugned order could not be treated to be a speaking order prima facie devoid of relevant discussion and deliberation. In view hereof, the impugned order is hereby set aside and the matter is remanded back to the Appellate Tribunal for adjudication afresh.

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(5) of the Sales Tax Act, 1990.

Judge

Judge