

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 71 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection No.26
2. For orders on CMA No.80/2022
3. For hearing of main case

14.01.2026

Mr. Faheem Ali Memon, advocate for the applicant

Following questions of law had been proposed for determination :

- i. Whether under the facts and circumstances of the case, the learned Tribunal was justified to hold that the amended assessment order passed for tax year 2008 on 28.06.2014 was barred by time as return of income for the year was filed on 14.10.2008, despite that the original limitation under section 122(2) of the Income Tax Ordinance, 2001 was alive for tax year 2008 when the said limitation was enhanced by Finance Act, 2009 and thus the limitation stood enhanced up to 28.06.2014, a principle held by the Sindh High Court in its judgment dated 02.03.20002 in the case of CitiBank N.A. and others v. Sindh Revenue Board in CP No.7016 of 2018?
- ii. Whether under the facts and circumstances of the case of the provision of (IBNR) being unascertainable and undetermined liability is an admissible deduction under rule 5(a) of the Fourth Schedule to the Income Tax Ordinance, 2001?
- iii. Whether on the facts and circumstances of the case, the learned Appellate Tribunal has not erred in law to delete the additions made on account of deduction claimed under the head 'incurred but not reported (IBNR) claims' ignoring the provisions of Section 34(3) which specifically liability have occurred and the amount of liability can be determined with reasonable accuracy?

Learned counsel for the applicant places courier tracking report on record to demonstrate that service has been effected.

Learned counsel states that the aforementioned questions have not been determined by the learned Tribunal and the order has been rendered in neglect of the law as far as facts and circumstances. Learned counsel further states that even the binding judgment of the Supreme Court, cited supra, have not been appreciated by the learned Tribunal. Learned counsel states that it may be in the interest of justice and revenue to set aside the impugned order and remand the matter back to the learned Tribunal for adjudication afresh so that a comprehensive judgment may be rendered in consonance with the settled law. 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