

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 1645 of 2021

(Habib Sugar Mills Limited v/s Federation of Pakistan & others)

Constitution Petition No. D – 1850 of 2021

(Shahmurad Sugar Mills Limited v/s Federation of Pakistan & others)

Constitution Petition No. D – 1980 of 2021

(Deharki Sugar Mills (Private) Limited v/s Federation of Pakistan & others)

Date of hearing : 08.10.2025.

Date of order : 08.10.2025.

Mr. Zahid F. Ebrahim Advocate for the petitioner in CP No.D-1645/2021.

Mr. Mamoon N. Chaudhry, Advocate for the petitioner in CP Nos.D-1850/2021 & 1980/2021.

Mr. Ameer Nausherwan Adil Memon, Advocate for the Department a/w M/s. ghazi Khan Khail, Zeeshan Ahmed, Syed Kumail abbas and Aftab Ali Advocates.

Mr. Pervaiz Ahmed Mastoi, A.A.G.

Mumtaz Ali Bohio, Commissioner Inland Revenue, Benami Zone-III.

ORDER

Adnan Iqbal Chaudhry, J: The Petitioners were aggrieved of notices under Section 16 of the Benami Transactions (Prohibition) Act, 2017 (**‘Act’**), calling upon persons who had purchased sugar from the Petitioners to provide information, and further stipulating that the Department (Inland Revenue) intends to attach the bank accounts of the Petitioners to recover the sale proceeds received allegedly in violation of said Act. The case of the Petitioners is that such notices contemplated coercive action of recovery against them without any due process. Learned counsel for the Department states that no coercive action shall be taken against the Petitioners without due process.

After briefly hearing learned counsel, we dispose of these petitions by consent of learned counsels in terms that the Respondents shall not take coercive action of recovery against the Petitioners without issuing show-cause notice and adopting the due process provided in the Benami Transactions (Prohibition) Act, 2017.

Office to place copy of this order in connected petitions.

JUDGE

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