

**ORDER SHEET
HIGH COURT OF SINDH, KARACHI**

Suit No. 1199 of 2017

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Ismail Industries Ltd.....Plaintiff

Versus

Federation of Pakistan & othersDefendants

For hearing of CMA No.7594/2017

Date of hearing 24.05.2017

M/s.Anas Makhdoom and Ahmed Farhaj, Advocates for the Plaintiff.

Mr. M.Ilyas Ahsan, Principal Appraiser (Legal), Customs Department.

Ms.Fauzia Rasheed holding brief for Mr.Suhail Muzaffar Advocate for defendant No.4.

Muhammad Ali Mazhar, J: The plaintiff has challenged the order dated 28.07.2016 (available at page 211 of the court file) under Section 159(1)/148 of the Income Tax, 2001, whereby the exemption on import of machinery was refused. Since the consignment is stuck-up for last several days and Goods Declaration has already been filed, therefore, learned counsel for the plaintiff requests for disposal of the suit in terms of Suit No.1139/2017.

2. Mr.M.Ilyas Ahsan, Principal Appraiser (Legal), Customs Department and Ms.Fauzia Rasheed holding brief for

Mr.Suhail Muzaffar Advocate for defendant No.4 on instructions have no objection on the release of consignment if the interest of Customs Department is secured. By consent the suit is disposed of along with pending application in the following terms:-

- i. The plaintiff may file revision under Section 122-B of the Income Tax Ordinance, 2001 to the Chief Commissioner against the refusal order of exemption which will be decided in accordance with law and after providing ample opportunity of hearing to the plaintiff.
- ii. The consignment shall be released on furnishing bank guarantee equivalent to the differential amount of tax to the concerned Collectorate of Customs. The bank guarantee shall not be encashed at least one week if the decision of Chief Commissioner goes against the plaintiff, however, it is clarified that within one week the plaintiff will file the revision application.

JUDGE

ns