

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.1128 of 2017

Date **Order with signature of Judge**

For hearing of CMA No.8316/2017

07.09.2017

Mr.Mushtaque H. Qazi, Advocate for Plaintiff.
Mr.Khalid Rajpar, Advocate for defendant Nos.1 and 4.
Mr.Khalid Mehmood Siddiqui, Advocate for the
Defendant No.5.

None present for the defendant Nos.2 and 3

The plaintiff has sought declaration of this court for the refund of excess amount of tax collected by the defendants in terms of SRO No.280(I)/2013 dated 4.4.2013 and SRO No.460(I)/2013 dated 30.5.2013 on the premise that the hon'ble Supreme Court of Pakistan in its judgment dated 18.8.2016 (Messrs. Mustafa Impex, Karachi & others vs. The Government of Pakistan & others) reported in 2016 PTD 2269 has struck down the aforesaid SROs.

An identical Suit No.1127/2017 has been disposed of today, in which the Tax Department was being represented by Mr.Amir Bukhsh Metlo, Advocate, but in this case the name of Mr.Amjad Jawed Hashmi, Advocate is written on the file cover, who despite calling twice is called absent. In this case also, the learned counsel submits that his application for refund is pending. The suit is disposed of along with pending application with the direction to the defendant No.3 to decide the application of the plaintiff in accordance with law preferably within a period of one month.

Judge

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