

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.1127 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.Amir Bukhsh Metlo, Advocate for the defendant
Nos.2 and 3
Mr.Khalid Rajpar, Advocate for defendant Nos.1 and 4.
Mr.Khalid Mehmood Siddiqui, Advocate for the
Defendant No.5.

The plaintiff has sought declaration of this court for the refund of excess amount of tax on import and supply of the low priced mobile phones or satellite phones etc. 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.

Basically this claim has been made in pursuance of the judgment of the hon'ble Supreme Court of Pakistan dated 18.8.2016 (Messrs. Mustafa Impex, Karachi & others vs. The Government of Pakistan & others) reported in 2016 PTD 2269. Learned counsel shown me page-163 of the court file, which is an application dated 5.4.2017 filed before Commissioner Inland Revenue, Zone-II, Large Taxpayers Unit, Karachi for the refund of sale tax amount, but the application has not been decided so far. Counsel for the defendant Nos.2 and 3 submits that the suit may be disposed of along with pending application with some directions to the defendant No.3 to decide the application of the plaintiff preferably within one month. Counsel for the plaintiff is satisfied on this proposal. The suit is disposed of along with pending application accordingly. The application of the plaintiff may be decided within one month by the department in accordance with law.

Judge