

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-776 of 2003

Date Order with signature of Judge

Present

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Abdul Maalik Gaddi

Diamond International

Federation of Pakistan

Corporation Ltd.....v/s.....& another

21.10.2017

Mr.Imran Taj, Associate of Mr.Kh.Shamsul Islam, Advocate for the Petitioner.

Mr.Muhammad Siddique, Company Secretary of the petitioner is also present.

Dr.Shahnawaz, Advocate for the Respondent

Mr.M.Shoaib Mirza, Assistant Attorney General.

Muhammad Ali Mazhar,J: Learned counsel for the respondent submits that he filed Vakalatnama on behalf of Commissioner Inland Revenue, Zone IV, Large Taxpayers Unit, Karachi, but it is not available in the file. Today he has filed photocopy of Vakalatnama which is taken on record.

2. The petitioner has brought this petition for declaration that respondent No.2 cannot conduct roving and fishing inquiry and the action taken by the respondent No.2 in pursuance of the notices dated 11.6.2003 issued in exercise of powers conferred under Section 38 and 40A of the Sales Tax Act, 1990 was illegal. They have further prayed that the respondent No.2 be directed to return all the

documents and record recovered from the office of the petitioner during raid.

3. However, today at the very outset the Petitioner's Company Secretary clearly stated that the entire original record has been returned back to the company and after raid no action was taken. Dr.Shahnawaz, Advocate submits that he asked for the instructions from the concerned Department but no record is available with them nor they have intimated any pending action or proceedings against the petitioner. Since no action has been taken against the petitioner after conducting raid, therefore, learned counsel for the petitioner on instructions does not want to proceed further. The Petition is disposed of accordingly. However, if any action is initiated against the petitioner on the basis of said raid the petitioner may initiate fresh legal proceedings or may file an application for resurrection of this petition.

Judge

Judge

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