

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Suit No. 1137 of 2017

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Jubilee General Insurance Company Limited.....Plaintiff

Versus

Federal Board of Revenue & others.....Defendants

Date of hearing 10.05.2017

Mr. Jawad Qureshi advocate for the plaintiff.

Mr. Ameer Bakhsh Metlo advocate has filed vakalatnama for defendant No.2.

Muhammad Ali Mazhar, J: In fact against the order to amend the original assessment under Section 122(5A) of the Income Tax Ordinance, 2001 for the tax year 2016, appeal before the Commissioner (Appeals) is already pending. Learned counsel for the plaintiff argued that despite filing appeal as well as stay application neither the appeal was fixed for hearing nor stay application was taken up for orders but the Tax Department is pressing hard for the recovery.

2. Learned counsel for the Defendant No. 2 clearly stated that till such time Commissioner (Appeals) decides the appeal of the plaintiff no recovery shall be made and in case appeal is decided against the plaintiff by the Commissioner

(Appeals), seven days' time would be available for filing appeal before the Appellate Tribunal Inland Revenue and in such days also no recovery shall be made. This statement satisfies the plaintiff's counsel.

3. By consent, the suit is disposed of accordingly along with pending applications.

JUDGE

Aadil Arab