

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Suit No. 975 of 2016

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Date	Order with signature of Judge
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1. For order on CMA No.5598/2018
2. For order on CMA No.5599/2018

12.04.2018

Mr. Khalid Javed Khan advocate for the plaintiff.  
Mr. Fahim Ahmed advocate for the SRB.  
Syed Zain ul Abideen Shah, Deputy Commissioner (Legal),  
SRB.

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1. Urgency granted.
2. This is a suit for declaration and permanent injunction in which the plaintiff has prayed that Sections 23, 57 and 62 of the Sindh Sales Tax on Services Act, 2011 are ultra vires to the provisions of Constitution hence no recovery can be effected. During pendency, the plaintiff has filed an application under Section 151 which is reproduced as under:-

“It is submitted that this Hon’ble Court may be pleased to dispose of the title suit with direction to the Defendant No.2/Sindh Revenue Board to decide the pending show cause notice dated 15.4.2016 for the year 2014 within a period of three weeks in terms of the Explanation to Rule 36(2) of the Sindh Sales Tax on Services Rules, 2011, as also provided in the order dated 22.6.2017 passed by this Hon’ble Court in Suit No. 48 of 2015 read with the application filed under Order 23 Rule 3, CPC, 1908. Thereafter the Plaintiff, if still aggrieved by the order passed by the officer of the Defendant No.2, would be entitled to pursue the remedy as provided under the law.”

The Deputy Commissioner, SRB Syed Zain ul Abideen Shah is present with his counsel Mr. Faheem Ahmed advocate.

The Deputy Commissioner and learned counsel both have endorsed their no objection on the application in writing. In view of the above, the suit is disposed of accordingly.

JUDGE

Aadil Arab

