

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1194 of 2013

Date	Order with signature of Judge
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- 1.For hearing of CMA No.10138/2013.
- 2.For hearing of CMA No.6746/2017.
- 3.For hearing of CMA No.14541/2017.

15.12.2017

M/s. Hyder Ali Khan & Ali Aziz, Advocates for the Plaintiff a/w Mr. Samiur Rehman, Advocate.
Mr. Muneer A. Malik, Advocate for Defendant No.2.
Ms. Saima Imdad, A.A.G.
Mr. Vicky Kumar, Assistant Commissioner SRB
a/w Mr. Shamshad Ahmed, Law Officer SRB.

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Mr. Muneer A. Malik, Advocate for the defendant No.2 argued that since 24.09.2013 the plaintiff is depositing the amount of sales tax on services collected by them from their clients with the Nazir of this court. It was contended by him that due to financial crises SRB requests that this amount may be released to SRB on furnishing indemnity bond to comply with the future directions, if any, passed by this court at the time of final adjudication of this suit. On this proposal, the learned counsel for the plaintiff argued that so far as the future sales tax on services is concerned, they will deposit it from the month of January, 2018 directly to SRB without prejudice to their contentions raised in the suit. However, they have no objection if the amount deposited with the Nazir is released subject to furnishing indemnity bond as proposed by the learned counsel for the SRB. Mr. Muneer A. Malik undertakes that on receiving the amount from the Nazir of this court, the SRB shall not take any action for this liability till final disposal of this suit. The plaintiff

basically has prayed in the suit that the collection of sales tax on service by the defendants on internet services costing over Rs.1500 per month per user is irrational, unjustified, illegal and unconstitutional. The minutiae of the plaint do not show any factual controversy, so the entire suit may be disposed of if issues of law are settled. Both learned counsel agreed to propose the consent issues of law on the next date of hearing so that this matter may be treated as short cause. It is ordered that the SRB will be bound to return the amount to the Nazir within fifteen days if so ordered by the court at the time of final adjudication of this suit. With this order, the pending applications are disposed of. Let this matter be fixed for settlement of issues on 17.01.2018. The Nazir may release the amount to SRB on proper identification and also submit the report in court on the next date. This order is without prejudice to the contentions raised vice versa. If required at any stage, the court may also pass order for reconciliation of account in relation to the amount deposited with the Nazir of this court.

Judge

Asif