

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-8162 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

M/s. Shaheer TextilePetitioner

Versus

Federation of Pakistan & anotherRespondents

Date of hearing 19.02.2019

Mr. Aqeel Ahmed Khan advocate for the petitioner.

Mr. Kafeel Ahmed Abbasi advocate for the Tax Department.

Muhammad Ali Mazhar, J: In this case the order was passed by the learned Division Bench of this court on 23.11.2018 but compliance was not made, therefore, learned counsel for the petitioner filed an application for contempt of court against the Commissioner I.R, Zone-I, Regional Tax Office-III, Karachi.

2. Mr. Kafeel Ahmed Abbasi learned counsel for the Tax Department has submitted statement to show that the order has been complied with and the learned counsel for the petitioner confirms this statement. He further states that copy of the order has been received by him yesterday and he will file appeal in accordance with law. We asked learned counsel for the Tax Department as to why the order was not complied with when the considerable time has already been lapsed? He has submitted his statement which is reproduced as under:-

“It is respectfully submitted that the orders dated 23.11.2018 and 13.12.2018 have been complied by the Respondent department, however it is informed by the concerned Commissioner that delay is caused due to some procedural lapses, the Respondent department has no

intention to defy/disregard orders passed by this Honorable High Court, the Respondent Commissioner has also rendered unconditional apology which has caused discomfort to this Honorable Court.”

3. Since in the statement it is clearly stated that the Department had no intention to defy or disregard the order and the delay was caused due to some procedural matters, therefore, we do not want to proceed further. The contempt application is disposed of accordingly. However, we caution the Department that in future they must comply with the order immediately and do not wait for filing application for contempt from other side. Within seven days the petitioner may file appeal to the Commissioner Appeals and till such time no coercive action shall be taken against the petitioner and after filing appeal we expect that learned Commissioner shall decide the appeal within a period of one month and during this period also no coercive action shall be taken against the petitioner. Petition is disposed of.

JUDGE

JUDGE

Aadil Arab