

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, KARACHI**

**C.P.No.D-2612 of 2018**

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<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**  
**Mr.Justice Muhammad Ali Mazhar**  
**Mr.Justice Adnan Iqbal Chaudhry**

M/s. A.G Enterprises.....Petitioner

V E R S U S

Federation of Pakistan & others.....Respondents

**18.09.2018**

Mr. Arshad Hussain, Advocate for the Petitioner.  
Mr. Kafeel Ahmed Abbasi, Advocate for Respondent No.3.  
Mr. M. Zahid Khan, Assistant Attorney General.

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**Muhammad Ali Mazhar, J:** Through this Constitution Petition, the petitioner has challenged the suspension order of sales tax registration issued on 28.02.2018 by the Commissioner-IR under Section 21(2) of the Sales Tax Act, 1990. The learned counsel for the Tax Department pointed out an order dated 23.05.2018 passed in C.P. No.D-2976/2018 in the similar controversy wherein the reliance was placed on the judgment authored by one of us (Muhammad Ali Mazhar; J) in the case of Messrs Inbox Business Technologies Ltd. vs. Pakistan through Secretary Revenue Divisions and others reported in 2018 PTD 621. The relevant paragraph 19 of the judgment is reproduced as under:

“19. In the wake of above discussion, the suspension order dated 17.10.2017 passed by Commissioner Inland Revenue is set-aside. However, the proceedings if any commenced with regard to blacklisting may continue and after providing ample opportunity of hearing, the order may be passed by the competent

authority. In case of any adverse order, the plaintiff may seek appropriate remedy provided under the provisions of Sales Tax Act, 1990. The application is disposed of accordingly.”

2. The learned for the petitioner argued that though for the purposes of setting aside the suspension order the judgment rendered in the case of Messrs Inbox Business Technologies Ltd. is fully applicable and he also relied on the same judgment, however, he further argued that the show cause notice issued on 02.03.2018 to proceed with regard to blacklisting of the petitioner is not appropriate as neither any specific allegation has been levelled nor the proper details have been provided in the show cause notice.

3. At this juncture, we are of the view that the matter is pending before the competent authority to decide whether the petitioner is liable to be blacklisted or not and in case the petitioner finds out any deficiency or non-clarity in the allegation of the show cause, they may raise all such grounds before the competent authority while replying the show cause notice and the authority would be obligated to consider and pass appropriate order in accordance with the law after providing opportunity of hearing to the petitioner. In view of the above, the petition is disposed of in terms of paragraph 19 of the judgment passed in the case of Messrs Inbox Business Technologies Ltd. reported in 2018 PTD 621. Pending application is also disposed of.

Judge

Judge

Asif