

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-2061 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGES
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Present
Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Adnan Iqbal Chaudhry.

M/s. United Wine Merchants Petitioner

Versus

Federal Board of Revenue & Others Respondents

Priority
2. For hearing on Misc. No. 15796 of 2017.
3. For hearing on Misc. No. 10227 of 2017
4. For hearing of Main Case.

Date of hearing: 05.10.2018

Mr. Asad Halepoto, Advocate, for the Petitioner.
Mr. Kafeel Ahmed Abbasi, Advocate for Tax Department.
Mr. Muhammad Shoaib Mirza, Assistant Attorney General.

Muhammad Ali Mazhar, J: Through this constitutional petition basically the petitioner has challenged the order in original No.07 of 2017 passed by the Assistant Commissioner Inland Revenue on 28.02.2017. Before we decide the issue of maintainability the learned counsel for the petitioner himself filed a statement alongwith copy of order passed by the Commissioner Inland Revenue (Appeals-V), Karachi on 16.01.2018 for the tax period 2015-2016, whereby the impugned order was annulled with the observations that the department may initiate proceedings afresh

after ascertaining the lawful jurisdiction. Learned counsel submits that though the appeal has been allowed in favor of the petitioner but some amount was attached by the Department from petitioner's Bank account for which he has also applied to the Department for refund. Mr. Kafeel Ahmed Abbasi, Advocate for Tax Department submits that so far as the appellate order is concerned, it is in field but for refund, if any, application has been moved by the petitioner, it will be decided by the concerned officer strictly in accordance with the law. Counsel for the petitioner is satisfied. The petition is disposed of accordingly.

JUDGE

JUDGE

Sadam/PA