

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
SUIT NO. 2031 of 2016

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on CMA No.13231/16 (U/A)
2. For orders on CMA No.13232/16 (U/O 39 Rule 1 & 2 CPC.)
3. For orders on CMA No.13233/16 (U/O 39 Rule 1 & 2 CPC.)

20.09.2016.

Mr. Khalid Jawed Khan, Advocate for the plaintiff.

1. Granted.
2. Through this Suit, the plaintiff has impugned issuance of Notice under Section 38 of the Sales Tax Act, 1990 dated 08.09.2016 along with Raid conducted on the plaintiff's business premises as well as resumption of documents including computer and other related material as being without any lawful authority and jurisdiction. Learned counsel for the plaintiff submits that such act on the part of defendants is based on malafides, whereas, the reasons, which have been stated in the Notice under Section 38 did not require any raid to be conducted on the business premises of the plaintiff as the plaintiff could have been served a Notice for explanation under the Sales Tax Act, 1990 including Sections 37, 38-A & 38-B. Learned counsel further submits that the conduct of the raid has seriously damaged the reputation of the plaintiff as the plaintiff is one of the leading retailers of "Leather Goods" in the country. He further submits that impounding of computer(s) and data servers have effectively restrained the plaintiff from carrying on any further business, including filing of Income Tax as well as Sales Tax Returns. Learned counsel further submits that no such raid could be conducted by the defendants without having a Search Warrant from the Area Magistrate as contemplated under Section 40 of the Sale Tax Act, 1990.

Let notice be issued to the defendants as well as DAG for 04.10.2016. Till the next date of hearing, the defendants shall maintain status-quo and shall not summon the plaintiff for further enquiry.

3. Notice as above.

J U D G E

Ayaz P.S.