

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 1363 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

Priority

- 1.For hearing of CMA No.6138/22 (stay)
- 2.For hearing of main case

22.03.2022

Qazi Umair Ali, advocate for petitioner
Mr. Saifullah, AAG

The perusal of record of instant petition reveals that an appeal was filed by the petitioner before the Commissioner (Appeals) which till date, is pending adjudication. Since the period of stay has expired the Commissioner (Appeals) has stated that as the period of stay has expired he cannot extend the stay to the petitioner. The petitioner then approached the Tribunal for grant of stay who rejected the petitioner's application.

We have heard the learned counsel for the parties at some length and have perused the record.

In our view, it was the duty of the Commissioner (Appeals) to have decided the appeal of the petitioner in a timely manner, which was not done. We, therefore, direct the Commissioner (Appeals) to decide the appeal of petitioner with fifteen (15) days' time from the receipt of this order strictly in accordance with law after providing opportunity of hearing to the petitioner. Till such time, no coercive action for recovery of impugned demand be taken by the department against the petitioner.

Instant petition stands disposed of accordingly.

JUDGE

JUDGE

Ashraf