

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Income Tax Reference Application Nos. 61 to 66 of 2015

Date

Order with signature of Judge

**HEARING / PRIORITY CASE.**

- 1) For hearing of CMA No. 112/2015.
- 2) For hearing of main case.

**21.04.2025.**

Mr. Sami-ur-Rehman Khan holding brief for Mr. Hyder Ali Khan,  
Advocate for Petitioner.

Mr. Ameer Bux Metlo, Advocate for Respondent.

Mr. Faheem Ali Memon, Advocate for Respondent.

All these Reference Applications have been filed by Pakistan National Shipping Corporation against order dated 25.02.2015 passed by the Tribunal in ITA No. 868/KB/2014 & other connected matters. PNSC is a State Owned Enterprise in terms of State Owned Enterprises (Governance and Operation) Act, 2023 and pursuant to Section 134A of the Income Tax Ordinance, 2001 a mechanism has been provided for State Owned Enterprises ("SOE") to approach FBR in respect of adverse orders passed by the Inland Revenue Department. The most significant and the relevant amendment made, which in our view is fully applicable to the present Applicant, is that now it is ***mandatory*** for SOE to go for ADR, whereas the limit of Rs. 50 Million is also not applicable.

On the last date of hearing, all learned Counsel were confronted as to the above provision and today Counsel for PNSC / Applicant, under instructions, submits that they are not agreeable to such proposition. Whereas, Respondent's Counsel submits that even the Honourable Supreme Court has referred the matters filed by the Commissioner Inland Revenue to the Dispute Resolution Committee. He has placed on record copies of such orders passed in **Civil Petition No. 2106 of 2024** (***Commissioner Inland Revenue, Corporate Zone, Regional Tax Officer, Islamabad v. M/s Islamabad Electric Supply***

***Company Limited, (IESCO), Islamabad), Civil Appeals No. 649, 650, 651, 652 of 2022 (M/s. State Life Insurance Corporation of Pakistan v. The Assistant Commissioner of Income Tax, Karachi & others) and Civil Petition Nos. 886-K, 887-K and 888-K of 2023 (M/s. Trading Corporation of Pakistan v. The Commissioner of Income Tax, Karachi).***

As to the stance of the Applicant and their Counsel we had not asked for any consent of the Applicant; whereas, Counsel for the Applicant is under obligation to assist the Court as to the law in field, not to merely communicate the instructions, and therefore, the conduct of the Applicant and their Counsel cannot be appreciated. Moreover, in ITRA Nos. 275 of 2018 and 208 of 2019 (***M/s Pakistan National Shipping Corporation Vs. The Commissioner Inland Revenue***), the same Applicant i.e. PNSC has consented in identical facts.

In view of such position, all these Reference Applications are disposed of, whereas, in terms of Section 134A of the Income Tax Ordinance, 2001, matters stand referred to FBR to form a Committee as required under the new amended provision and till such time the matter is finally decided by the said Committee, no coercive measures be adopted against the Applicant for recovery. Once a decision has been given by the Committee, the Applicant if aggrieved, may seek further remedy in accordance with law.

With these observations, these Reference Applications are hereby disposed of. Office to place copy of this order in the connected cases.

**ACTING CHIEF JUSTICE**

**J U D G E**

Ayaz