

ORDER SHEET  
**IN THE HIGH COURT OF SINDH KARACHI**  
Special Sales Tax Reference Application No. 138 of 2010

Date

Order with signature of Judge

**HEARING PRIORITY (CASE)**

- 1) For hearing of main case.
- 2) For hearing of CMA No. 1285/2010.

**05.05.2025.**

Mr. Khalid Javed Khan Shoro, Advocate for Applicant.  
Mr. Qaim Ali Memon, Advocate for Respondent.

This Reference Application has been filed by M/s. Sui Southern Gas Company Limited against order dated 13.03.2010 passed by the Appellate Tribunal Inland Revenue, Karachi in New STA No. 935-K-2009 (Old Appeal No. 83 of 2009). SSGC is a State Owned Enterprise in terms of State Owned Enterprises (Governance and Operation) Act, 2023 and pursuant to Section 47A of the Sales Tax Act, 1990 read with 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.

When confronted as to the above provision Counsel for SSGC / Applicant as well as Respondent’s Counsel submits that the Honourable Supreme Court has even 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).***

In view of such position, this Reference Application is disposed of, whereas, in terms of Section 47A of the Sales Tax Act, 1990 read with 134A of the Income Tax Ordinance, 2001, matter stands 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, this Reference Application is hereby disposed of.

**ACTING CHIEF JUSTICE**

**J U D G E**

Arshad