ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Income Tax Reference Application No. 02 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

Hearing/Priority Case.

1. For hearing of CMA No. 10/2025 (Condonation of delay)
2. For orders on office objection Nos. 1 & 11.
3. For hearing of CMA No. 12/2025 (stay)
4. For hearing of main case.

10.11.2026.

Mr. M.R. Sethi, Advocate for the Applicant.
Mr. Iqbal Hussain, advocates for the respondent.

It is jointly pointed out that under similar circumstances, orders have been passed by this Bench including Order dated 06.11.2026 in SSTRA No. 81 & 82 of 2024, which is reproduced hereinbelow:-

> "These references arise out of impugned order/s of the learned Commissioner Appeals and pertain to the limited period when such orders / judgments were mandated to be directly assailed in reference jurisdiction. As a consequence, the parties were deprived of an appellate forum, being the learned appellate tribunal. The law has since been reversed, and the forum of the learned tribunal has been restored.
>
> Per learned counsel for the applicant, questions of fact / evidence, arising from the impugned orders, are required to be addressed as for the intervening period under reference the ambit of reference jurisdiction stood expanded in such regard. He states that the statutory provision has since been revisited and the original ambit, addressing questions of law, has been restored. He states that a judgment is to be rendered based on jurisdiction available to a forum at the time that the same is exercised.
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> Mr. Mushtaq further articulated that the intervening amendment had deprived the parties, including revenue, of an appellate forum, being the tribunal. It was stated that the law has since restored the forum, therefore, no case arises to deprive the present parties in such regard.
>
> He submitted that this is no instance of first impression as in *pari materia* circumstances the honorable Lahore High Court[1] and the honorable Islamabad High Court[2] have concluded that such matters ought to be transferred from the High Court to the respective appellate tribunals. In such regard directions have been given to the office to transmit the reference applications, along with all annexures, to the learned tribunal, with directives to treat the same as appeals pending there before, against the impugned order/s, and decide the same in accordance with the law.
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> Mr. Mushtaq seeks similar treatment in so far as the present references are concerned and prays that pending the determination by the learned tribunal no further coercive action be taken against the applicants / assesses arising here from. Learned counsel for the respondent articulates no cavil to the aforesaid. Order accordingly.

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[1] Haris Hasan Syed vs. Commissioner Inland Revenue (ITR 21137 of 2025), judgment dated 29.09.2025; Muhammad Tariq Zahoor vs. The Commissioner Inland Revenue (ITR 18012 of 2025), judgment dated 21.10.2025.

[2] Mian Group of Chakwal Karamdad Arcade vs. Assistant Commissioner I.R. Islamabad & Others (ITR 65 of 2024); judgment dated 14.11.2025.

> A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 47 subsection 5 of Sales Tax Act, 1990. Office is instructed to place copy of this order in the connected file."

It is sought that this reference may also be disposed of for the same reasons and upon same terms as recorded in the aforesaid order. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge

Ayaz p.s.