ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Income Tax Reference Application Nos. 56 to 59 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on CMA No. 92/15.
2. For hearing of main case.

12.11.2026

Mr. Irfan Mir Halepota, advocate for the applicant.

Vide order dated 25.10.2017, the following question was pressed for determination:-

> "Whether under the facts and circumstances of the case learned Tribunal was justified to hold that the income of the taxpayer was derived as Dual-Fuel (Oil/Gas) Power project and therefore qualified for exemption under the Second Proviso to clause (132) of the Part-I of the Second Schedule to the Income Tax Ordinance, 2001?"

Learned counsel demonstrates from the impugned order that the said question pertains to ground No.3, which has been addressed in the impugned order from type page-9 to 12 thereof, page-25 to 31 of the court file. Learned counsel demonstrates that the learned Tribunal has reproduced the controversy and the respective contentions of the parties, however, has failed to discuss and / or deliberate the same. Learned counsel demonstrates that the decision on the said ground is devoid of any due discussion by the learned Tribunal. Under such circumstances, he states that the said conclusion is unqualified and unsustainable, therefore, the impugned order to the extent of the decision on ground-3 may be set-aside and the said ground / issue be remanded back to the learned Tribunal for adjudication afresh in accordance with law. The plea is well reasoned. 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. Office is instructed to place copy of this order in the connected files.

Judge

Judge

Ayaz p.s.