

/ORDER SHEET

HIGH COURT OF SINDH, KARACHI

C.P. No.D-1740/12

Date

Order with signature of Judge

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1. For order on Misc. 10034/12
2. For order on Misc. 10035/12
3. For katcha peshi.
4. For order on Misc. 10036/12

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10.05.2012

Mr. Makhdoom Ali Khan, Advocate for petitioner.

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1. Granted.

2. Granted subject to all just exceptions.
3. Counsel for the petitioner contends that through the recovery notice dated 23.4.2012 a huge sum of Rs.1.5 billion has been demanded towards the outstanding arrears for the period commencing from 2006 to 2010. He further contends that insofar as outstanding demand with regard to 2010 is concerned, the same has been settled to the extent of Rs.344 million which has been duly paid and insofar as the demand for the years 2006 to 2009 is concerned, the same was the subject matter of C.P.Nos. D-1631 of 2010 to 1636 of 2010, which were disposed of on 25.6.2010 on the basis of the compromise in the following terms:-

*“Learned counsel for the parties have filed a joint compromise application under Order XXIII Rule 3 read with Section 151 CPC in all the above matters praying therein that as the compromise has been reached between the parties in terms of such application and the matters be disposed of in terms thereof.*

*We have heard the learned counsel for the petitioner and Mr. Asim Iftikhar, Additional Commissioner, Mr. Yousuf Haider Shaikh, Additional Commissioner, Mr. Farrukh Ansari, Additional Commissioner and Dr. Najeebullah Khan, Deputy Commissioner of Large Tax payers Unit, all of whom admit the contents of the compromise application and pray that the aforementioned petitions be disposed of accordingly.*

*Under these circumstances all the above petitions are disposed of in terms of the application under Order XXIII Rule 3 read with Section 151 CPC.”*

Learned counsel contends that in view of the above order all the petitions stood finally disposed of but the impugned demand notice suggests that there was an interim order which expired by virtue of Article 199-A of the Constitution of Pakistan, which is a misstatement on the part of the F.B.R.

In view of the above, prima facie case for interim injunction is made out. Issue notice to the Respondents for 22.5.2012. In the meantime, the operation of the impugned recovery notice dated 23.4.2012 is suspended till the next date of hearing.

JUDGE

JUDGE

sharif