IN THE LANDRE HIGH COURT, LANDRE. W.P. NO. 9934-16 PRESENT MR JUSTICE. Shaw Melinoa Upply St 11 89 nor

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.

PRAY PARTY NAMES ATTACHED.

ORDER P.T.O.

2/4/16

0111 140.11030/0-121 ORDER SHEET IN THE LAHORE HIGH COURT LAHORE. JUDICIAL DEPARTMENT

W.P.No.9934 of 2016.

M/s. Kohat Cement Company Ltd.		• VERSUS	The Federation of Pakistan, etc.
Sr. No. of Order/ Proceeding	Date of order/ Proceeding	Order v	with signature of Judge, and that of parties of counsel, where necessary

30.03.2016

Mr. Waheed Shahzad Butt Advocate for the petitioner.

Mr. Sarfraz Ahmed Cheema Advocate for the respondent department on Court's call.

It is contended that order in original DCR.No.Nil was passed by Additional Commissioner Inland Revenue, Lahore against the petitioner on 29.02.2016 creating a tax demand of Rs.900,376,676/-. Pursuant to this order, notice dated 29.02.2016 has also been issued to the petitioner for recovery of the impugned tax demand within 30 days. The petitioner filed appeal along with stay application before Commissioner Inland Revenue (Appeals-I), Lahore which is still pending adjudication. It is stated that respondent No.2 till date has not decided the appeal as well as stay application of the petitioner and the time given in the notice dated 29.02.2016 issued for recovery of the impugned tax demand is going to expire on 30.03.2016. The learned counsel for the petitioner contends that the petitioner shall be satisfied if a direction is issued to the Commissioner Inland Revenue (Appeals-I), Lahore, for expeditious disposal of the petitioner's For more material, visit "www.imranghazi.com/mtba" OR "www.paktaxonling.com"

Page 2 of 5

aforementioned appeal and/or stay application. The request made is reasonable.

2. The Commissioner Inland Revenue (Appeals-I), Lahore/respondent No.2 is directed to decide the petitioner's aforementioned appeal and/or stay application within a period of 30 days from the date of receipt of certified copy of this order. Till such time the appeal filed by the petitioner is decided, the operation of the impugned notice dated 29.02.2016 shall remain suspended.

 With this observation, this writ petition stands <u>disposed of.</u>

Copy dasti on payment of usual charges.

(Shams Menmood Mirza) Judge

EXER

207606

10

For more material, visit "www.imranghazi.com/mtba" OR "www.paktaxonline.com"

SCHOOL INC.

Copy Fee... Urgent 1 ---Regettation Contractor

Name of C

Date of Recentry

Date of Conglistion of Copy Nate of Delivery of Copy

 Order

IN THE HOR DEE EAHORE HIGH COORT, EAHORE

Writ Petition No. <u>9934</u> / 2016

14

M/s. KOHAT CEMENT COMPANY LIMITED through its Chief Executive, Mr. Aizaz Mansoor Sheikh, having its head office at 37-P, Gulberg II, Lahore.

.... PETITIONER

....RESPOND

ITS

VERSUS

- 1. The Federation of Pakistan through Secretary Revenue Division, Islamabad.
- 2. The Commissioner Inland Revenue (Appeals-I), Lahore.
- The Additional Commissioner Inland Revenue, Audit Zone I, Large Taxpayer Unit, Lahore.

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973.

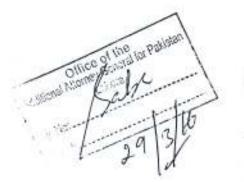
Respectfully Sheweth:-

- That the addresses of the parties as given in the title of the petition are correct and sufficient for service of notices on the parties.
- That the present petition has been instituted by a Company Limited by its shares through its Chief Executive Mr. Aizaz Mansoor Sheikh, who is authorized in this behalf by a Resolution

 passed by the Board of Directors dated March 25, 2016. Further

 For more material, visit "www.imranghazi.com/mtba" OR "www.paktaxonline.com"
 Page 4 of 5

- prayed that the Hon'ble High Court may be pleased:
 - to direct the Respondent No. 3 not to recover void amount of tax through notice dated 29.02.2016 from the Petitioner as long as the order of the First Appellate Authority Respondent No. 2 is not served upon the Petitioner.
 - ii) to direct the Respondent No. 2 to decide the stay application as well as main appeal on priority basis within reasonable time as provided under the law.
 - iii) To allow any other relief which this Hon'ble Court deems appropriate.



Through:-

Advocate High Court, Tax Resolution Services Company, 87-Shahrah-e-Quaid-e-Azam, Republic Motors, Lahore, P-LH-16322

Dated: 28.03.2016

CERTIFICATE:

- 1. As per instructions of my client, this is first Writ Petition on the subject matter.
- ii. Certified that this petition has arisen from violation / non fulfillment of obligation under the provisions of Income Tax Ordinance, 2001 and that no alternate remedy is provided by the law to be availed by the Petitioner.

(COUNSEL)

0333-4417181

PETITIONER

LIST OF BOOKS:

- Constitution of the Islamic Republic of Pakistan, 1973.
- Income Tax Ordinance, 2001.
- 3. 2002 PTD 679
- 4. 2003 PTD 1746 = 89 Tax 179 (Lahore High Court).
- 2014 PTD 841 (Lahore High Court).

For more material, visit "www.imranghazi.com/mtba" OR "www.paktaxonline.com"