

## **Taxhelpline Case No. 112 of 2013**

### **[INLAND REVENUE APPELLATE TRIBUNAL]**

**MA. (Stay) STA 181/IB/2012 Assessment Year Aug, 2011 -  
Oct, 2011 Date of Hearing 09.08.2012**

**Mr. Qurban Ali, Accountant Member and Mr. Muhammad  
Jahandar, Judicial Member**

**Appellant by Mr. Faisal Bandy, FCA. Respondent by Mr. Imran  
Shah, DR**

**M/s. The Hub Power Company Limited Appellant  
Vs  
The Commissioner Inland Revenue (Appeals-I), Large  
Taxpayers Unit, Islamabad. Respondent**

ORDER---Stay application have been filed with the following grounds.

"The learned DCIR erred to hold that input sales tax is inadmissible under the provisions of Section, 8(1)(ca) of Sales Tax Act without appreciation the fact that no connivance with any supplier has taken place in view of the requirements laid down under Section 8A of Sales Tax Act.

The learned DCIR did not appreciate that out-of-tax period adjustments of input sales tax are admissible under' Section 7 of Sales Tax Act, as such the reconciliation of sales tax d invoices along with sales tax return of the suppliers cited in the impugned order, as furnished y the Applicant during the adjudication/appeal stage, were not examined properly.

The Learned DCIR ignored the fact that the Applicant has fulfilled necessary conditions for adjustment of input tax as prescribed in Section 7 and Section 73 of the ST Act".

Parties have been heard. It is argued on the behalf of applicant that appeal in the matter is still pending before this Tribunal, they have an arguable case and balance of convenience lies in their favour and that non-grant of stay pending appeal will cause grave hardship and prejudice to the applicant.

In view of the facts of the case stated above, it is directed that no recovery of the disputed tax demand be effected for a period of 30 days or till the decision of appeal in the case, whichever is earlier.

The application stands disposed of in the above manner.

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