

Taxhelpline Case No. 132 of 2013

[INLAND REVENUE APPELLATE TRIBUNAL]

STA No.130/IB/2013 Date of hearing 30.05.2013

**Mr. Jawaid Masood Tahir Bhatti, Chairperson and Mr. Faheem
UI Haq Khan, Accountant Member**

**Appellant by Mr. Umar Arshad Hakim, Advocate. Department
by Mr. Imran Shah, ACMA, DR**

**M/s. Saba Power Company (Pvt.) Ltd., Lahore Appellant
Vs
CIR, LTU, Islamabad, Respondent**

ORDER---1. The present interim order is being passed with the consent of AR Mr. Umer Arshad Hakim, Advocate and the DR Mr. Imran Shah, ACMA.

2. Brief facts of the case are that the taxpayer claimed sales tax input which was disallowed by the department co relating it with output tax the issue had already been decided by the Larger Bench of this Tribunal in favour of the taxpayer. On the contrary the DR pleaded with departmental reference, is pending in High Court Islamabad and the matter is pending in High Court Islamabad. However, in the present case, Honourable High Court has directed this Tribunal to decide the appeal of the taxpayer within 30 days, the conflicting desires of taxpayer and the department were a subject matter detailed discussion on the date of hearing. Consequently it has been agreed by both the parties that;

(a) No recovery be perused by the department for a period of 30 days from the date of this order.

(b) The department will take up its reference in the case of Fauji

Kabir Wala Power Company with Islamabad High Court requesting for an early date of hearing i.e. within 30 days.

(c) The department will also apply to the Islamabad High Court to become a party in the case where Honourable High Court has directed this Tribunal to dispose off the appeal of the taxpayer within 30 days.

3. Thus this interim order is passed with the consent of both the rival parties.

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