

ANNEX-B

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE TASSADUQ HUSSAIN JILLANI
MR. JUSTICE ASIF SAEED KHAN KHOSA

CIVIL PETITION NO. 1580 OF 2008

(On appeal against the judgment dated
18.9.2008 passed by Peshawar High Court,
Peshawar in Tax Reference No. 24/08)

Collector Sales tax & Central Excise, Peshawar
... Petitioner

VERSUS

M/s Makk Beverages & Mineral Water (Pvt) Ltd
... Respondent

For the Petitioner: Raja Muhammad Bashir, ASC

For the Respondents: Abdul Rauf Rohaila, ASC

Date of Hearing: 13.4.2010

ORDER

TASSADUQ HUSSAIN JILLANI, J.- This petition
is directed against the judgment dated 18.9.2008 vide which
learned Division Bench of the Peshawar High Court while
dismissing the reference filed by the petitioner (Collector Sale
Tax and Central Excise, Peshawar) directed as under: -

*"However, the Federal Excise and Sales
Tax Department may conduct fresh audit
of the respondent-unit, if so advised and
permissible under the law. In case, any
contravention is detected, the respondent-
unit may be proceeded against in
accordance with law."*

2. Learned counsel argued the case at some length
but when confronted with the import of the impugned
judgment, operative part of which has been reproduced in the

ATTESTED

Supintendent
Supreme Court of Pakistan
ISLAMABAD

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preceding paragraph, opted not to press this petition so as to ask the competent authority to decide the matter within 30 days.

3. In view of the fair stand taken by learned counsel for the petitioner, this petition is disposed of as not pressed. We are sanguine the competent authority shall decide the matter within the time indicated by learned counsel for the petitioner. Disposed of accordingly.

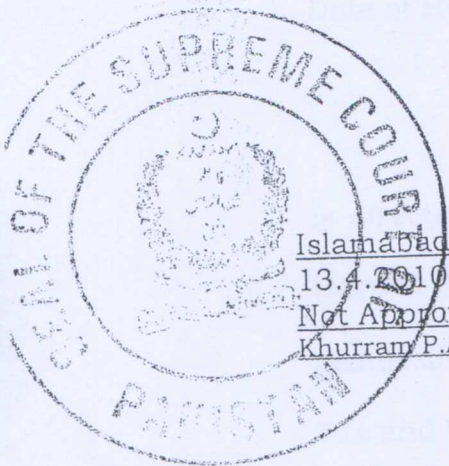
CMA 2002/2009

4. Since the main petition is decided, this CMA is also disposed of accordingly.

Col. Tassaduq Hussain Tilkani, J.
Col. Asif Iqbal Khan, J.

Certified to be True Copy

Superintendent
Supreme Court of Pakistan
ISLAMABAD



Islamabad

13.4.2010

Not Approved For Reporting
Khurram P.A.

5/11/11

3019/10 Civil/Criminal

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