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No.217/2010-Law (FTO)
Government of Pakistan
Ministry of Law and Justice

Islamabad, the //th July, 2012

From :- Arshad Ali Siddiqui,
Section Officer (Law-I),

To:- Mr. Muhammad Ashfaque,
Second Secretary (To-I),
Federal Board of Revenue,
ISLAMABAD.

Sub: **REPRESENTATION UNDER SECTION 32 OF THE ESTABLISHMENT OF THE OFFICE OF THE FEDERAL TAX OMBUDSMAN ORDINANCE (XXXV OF 2000) IN COMPLAINT NO.652/LHR/IT(549)/1151/10 (M/S A.H.Y. PLASTIC VS FBR)**

I am directed to refer to your representation No. 4(1151)To-I/2010 dated 7th December, 2010 on the subject noted above and to say that the President has been pleased to pass the following orders.

2. Feeling aggrieved of inaction of the Agency (Revenue Division) in not deciding refund applications filed on 20.2.2010, the complainant approached the FTO. The Agency replied that since the relevant documents of payment of tax were not filed along with applications the matter could not be decided. The FTO recorded the following findings:

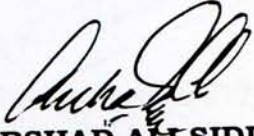
“The delay in disposal of refund claim within time limit prescribed u/s 170(4) is tantamount to maladministration u/s 2(3)(ii) of the FTO Ordinance. It has also created Complainant’s right to compensation u/s 171 of the Income Tax Ordinance.”

Following recommendations were made by the FTO:

“FBR to direct the Chief Commissioner to-
issue refund and compensation due as per law within 21 days.”

3. Present representation has been filed by the Agency repeating the contents of the reply filed before the FTO. The complainant had stated in his complaint before the FTO that the complaint was filed on 20.2.2010, a reminder was filed on 1.3.2010. He visited the taxation officer and submitted the documents asked for on 3.5.2010. These facts have not been questioned by the Agency in its reply. The complaint was filed in the office of the FTO on 6.9.2010, the reply was filed in the said office on 11.10.2010. The FTO has very correctly observed on 1-11-2010 that no sufficient cause has been shown which might have prevented the Commissioner to decide the application within the prescribed time. This being so nothing wrong is to be found within the recommendations and findings of the FTO.

4. Accordingly, the President has been pleased to dismiss the representation of the Agency.


(ARSHAD ALI SIDDIQUI)
Section Officer (Law-I)

Copy to:-

1. The Registrar, Federal Tax Ombudsman Secretariat, Islamabad.
2. Director (Legal), President's Secretariat (Public), Islamabad with reference to their No.50/FTO/2012, dated 9th July, 2012.
3. A.H.Y Plastic, Plot No. 3, St. No. 5, Siddiqia colony, Lahore.

(ARSHAD ALI SIDDIQUI)
Section Officer (Law-I)