

No. 30/2010-Law (FTO)
Government of Pakistan
Ministry of Law and Justice

Islamabad, the 27/7 July, 2012

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

To:- 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.642-L/2009 (MR. MUHAMMAD SHARIF VS FBR)

I am directed to refer to your representation No. 4 (642) TO-I/2009 dated 6.2.2010 on the subject noted above and to say that the President has been pleased to pass the following orders.

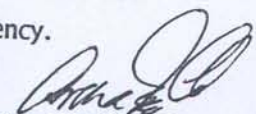
2. The complainant approached the FTO with grievance that the Agency (Revenue Division) is delaying the decision of his claim for refund of excess income tax deducted at source. The Agency challenged the jurisdiction of the FTO. However, it was conceded that no legal issue was involved. The delay in the refund was attributed to some deficiencies in the tax deduction certificates. The FTO deprecated the delay in the process of verification and made the following recommendations:

- "i) due refund along with compensation, be paid to the Complainants as per law within 30 days;
- ii) Responsibility be fixed and action taken against errant official (s) responsible for the protracted delay in processing the refund claims."

3. This representation has been filed by the Agency.

4. The record has been examined. The plea taken by the Agency in the representation that the refund was not permissible in law was never raised before the FTO where the only plea taken on merits was that delay is because of the verification process of the tax refund claim filed by the complainant. So far as the objection to jurisdiction is concerned suffice it to say that FTO has not decided any question mentioned in Section 9(2)(b) of the FTO Ordinance 2000. The directions are for expeditious decision of the refund claim and to take action against the inefficient officers responsible for the delay. No Grounds stand made out for interference with the impugned recommendations of the FTO.

5. Accordingly, the President has been pleased to reject 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.12/FTO/2012, dated 19th July, 2012.
- 3 Mr. M. Sharif Carriage Service, Contractor c/o Ishfaq Sugar Mills, Pakpattan Road, Sahiwal

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