

No. 116/2011-Law (FTO)  
Government of Pakistan  
Ministry of Law and Justice

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Islamabad, the 13<sup>th</sup> August, 2012

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

- 111923

To:- Second Secretary (TO-II),  
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.230KHI/ CUSTOM (95)544/2011 (M/S MINHAI ZAFAR KARACHI VS FBR)**

I am directed to refer to your representation No. 1 (544) S (TO-II)/2011 dated 8.9.2011 on the subject noted above and to say that the President has been pleased to pass the following orders.

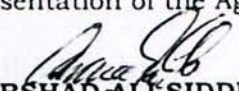
2. Feeling aggrieved of non implementation of order dated 16.4.2011 of the Appellate Tribunal by the Agency ( Revenue Division), the complainant approached the FTO. The stance taken by the Agency was that a reference has been filed in the High Court of Sindh against said order of the Tribunal. The FTO found that notwithstanding the filing of the reference a stay order has not been issued. He accordingly made the following recommendations on 9.8.2011:

"FBR to-

- (i) direct implementation of the order of the Appellate Tribunal, as per law, without prejudice to the final decision of the Hon'ble High Court, unless the High Court in the meanwhile suspends or stays the Tribunal's order; and
- ii) Report compliance within 30 days."

3. Present representation has been filed by the Agency stating inter alia that a stay order has in fact been issued by High Court of Sindh in the said Reference on 10.8.2011. The complainant on the other hand insists that stay order has been issued Both the parties have filed the copies of order sheets in Special Customs Reference 334 of 2011. On 10.8.2011 a Division Bench ordered that no further proceedings shall be conducted in respect of the transactions in question till 6.9.2011. There is nothing on record to show that the said order has been vacated. This being so no further proceedings are called for in this representation.

4. Accordingly, the President has been pleased to dispose off the representation of the Agency in light of observation made in the preceding para.

  
(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.53/FTO/2012, dated 7<sup>th</sup> August, 2012.
3. M/s Minhaj Zafar No. 04 Block-1 North Nazimabad Karachi.

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