

Islamabad, the 26th Nov 2014

From: Arshad Farid Khan,
Director (Legal-II)

To: The Chief (Legal),
Federal Board of Revenue,
Islamabad

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Sub: **REPRESENTATION AGAINST DECISION/ ORDER/ FINDINGS/
RECOMMENDATION OF THE FEDERAL TAX OMBUDSMAN DATED 25.5.2013 IN
COMPLAINT NO. C. NO. 65/LHR/CUST(07)/116/2013 [M/S MEHRAN TRADERS,
1335-TUGHLAQ ROAD NEAR CHOWK GHANTA GHAR, MULTAN VS FBR]**

I am directed to refer to your representation No.1 (116)S(TO-II/2013 dated June 25, 2013 on the subject noted above and to convey that the President has been pleased to pass the following orders in the subject case:

Feeling aggrieved of non implementation of a judgment dated 08.09.2010 of Customs Appellate Tribunal resulting in refund of Rs.1,400,364 -, complainant approached F.T.O. Agency (Revenue Division) intimated F.T.O that matter is subjudice in Lahore High Court, Multan Bench vide Reference Application No. 1 of 2011. F.T.O conducted hearing, while holding that Customs Reference has been filed, observed that there is no stay order. It was found that maladministration of department is established. Following recommendation was made by F.T.O:

"FBR to direct the Collector to-

give appeal effect to the order of the Customs Appellate Tribunal, as per law".

This representation has been filed by Agency questioning F.T.O's jurisdiction with reference to admitted pendency of matter in High Court. Complainant in its comments supports impugned recommendation. There is no denial that Customs Reference is pending in High Court since 2011 and was so pending when complaint was received in the office of F.T.O. This being so bar stipulated in Section 9(2)(a) is attracted. F.T.O was having no jurisdiction to entertain complaint.

2. Accordingly, the President has been pleased to accept of the above referred representation and to set aside impugned recommendation of F.T.O.

Arshad Farid Khan
Director (Legal-II)

1. The Registrar, Federal Tax Ombudsman, Secretariat, Islamabad
2. M/S Mehran Traders, 1335-Tughlaq Road, Near Chowk Ghanta Ghar, Multan
3. Mian Abdul Basit, Advocate, Business and Law Associates, 205-B, Shah Rukn-e-Alam Colony, Multan

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FBR e-Box No. 16/1038
Received in Chief (Legal) Office
on 28/11/14