

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR

M/s Colony Mills Limited, Multan
Vs
Federal Board of Revenue

Subject: REPRESENTATION PREFERRED BY M/S COLONY MILLS LTD AGAINST FINDINGS/RECOMMENDATIONS DATED 09.02.2021 PASSED BY THE FTO IN COMPLAINT NO. 3189/KHI/ST/2021

Kindly refer to your representation on the above subject addressed to the President in the background mentioned below:-

This representation has been filed by the M/s Colony Mills Ltd on 22.03.2021 against the order of the learned Federal Tax Ombudsman (FTO) dated 09.02.2021, whereby it has been held that:

"In view of the facts narrated supra and after going through the material on record, the Complainant has failed to make out case of maladministration against the Deptt, therefore, the complaint stands rejected. File be consigned to record."

2. M/s Colony Mills Ltd (the complainant) filed the complaint against the Commissioner-IR, Enforcement-II, LTO, Karachi in terms of Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 (FTO Ordinance), for failing to settle sixty-two deferred refund claims of Rs.62.654 million filed by the complainant for various tax periods from December 2006 to December 2012.

3. The learned Federal Tax Ombudsman called the comments from the Secretary, Revenue Division, Islamabad. In response thereto, the FBR vide letter dated 12.01.2021 forwarded para-wise comments of the Commissioner-IR, Enforcement-II, LTO, Karachi. It was averred that claims were filed in the LTU, Lahore and jurisdiction of the complainant was transferred to the LTO, Karachi vide FBR Notification dated 13.09.2019. The record revealed that deferred claims mentioned in the complaint were duly processed and either RPOs or rejection orders were issued.

4. On consideration of the respective stances, the learned Federal Tax Ombudsman passed the above mentioned order. Hence, the representation by the complainant.

5. First hearing of the case was fixed on 09.11.2021, Mr. Muhammad Naemuddin Siddiqui, learned Counsel represented the M/s Colony Mills Ltd, Whereas, Mr. Nisar Ahmed Burki, ADCIR and Mr. Muhammad Shahid Rehan, Senior Auditor represented the FBR. The case was re-fixed for 07.12.2021, Mr. Muhammad Naemuddin Siddiqui, learned Counsel has represented the M/s Colony Mills Ltd, whereas, Mr. Muhammad Shahid Rehan, Senior Auditor has represented the FBR.

6. In view of the queries raised on the last date, at the outset, the Departmental Representative (DR) has intimated that 62 refund claims amounting to Rs. 271,467,667/- were submitted by the complainant which have been processed and disposed of as per details given below:-

a. Total amount	-	Rs. 271,467,667/-
b. Sanctioned	-	Rs. 208,329,640/-
c. Rejected	-	Rs. 56,550,984/-
d. Deferred	-	Rs. 2,443,269/-

The learned Counsel for the complainant has affirmed the above position, however, he has contended that orders pertaining the rejected and deferred claims have not been supplied to the complainant. Hence, by non-serving the said orders, the complainant has been deprived of availing remedies against the orders before the competent legal forums under the law. Thus, he has urged that the concerned authorities may be directed to provide the orders relating to the rejected and deferred claims enabling the complainant to file appeals before the relevant legal forums.

7. In the circumstances, in order to redress the grievance and dispose of the matter, it is directed that the copies of the orders passed by the Department rejecting the claims may be provided. Hence, the representation of the complainant is liable to be disposed of accordingly. Further, the deferred claims shall be processed after serving proper notices to the complainant.

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8. Accordingly, the Hon'ble President, as per his decision above, has been pleased to dispose of the representation of the complainant.

(Anwar-ul-Haq)
Director General (Legal)

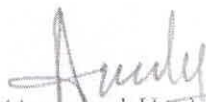
M/s Colony Mills Limited,
P.O. Ismailabad, Multan. 0336.6416804

The Chairman,
Federal Board of Revenue,
Islamabad.

No.23/F/TO/2021 dated.16.12.2021

Copy for information to:

1. The Registrar, Federal Tax Ombudsman, Islamabad.
2. ✓ The Chief (Legal-III), Federal Board of Revenue, Islamabad.
3. The Commissioner, Enforcement-II, Large Taxpayers Office, PRC Towers, 32-A, Lalazar Drive, M.T. Khan Road, Karachi.
4. Mr. M.N. Siddiqui & Co, 505- Al- Fiza Glass Tower, BL-10/A. Gulshane-e-Iqbal, Karachi.
5. Master file.


(Anwar-ul-Haq)
Director General (Legal)