

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

Federal Board of Revenue
Versus
Mr. Jamshed Yousaf, Lahore

REPRESENTATION PREFERRED BY FEDERAL BOARD OF REVENUE AGAINST FINDINGS /
RECOMMENDATIONS DATED 20.08.2019 PASSED BY THE FTO IN COMPLAINT NO. 1252/LHR/ST/2020

Kindly refer to your representation dated 21.09.2020 on the above subject addressed to the President in the background mentioned below:-

This representation has been filed by the Federal Board of Revenue on 21.09.2020 against the orders of the learned Federal Tax Ombudsman dated 20.08.2020, whereby it has been held that:

"FBR to:-

- i. direct the Director-General, I&I-IR, Islamabad to sanction and disburse admissible reward to the Complainant, as per law; and
- ii. report compliance within 45 days."

2. The background of the matter is that Mr. Jamshed Yousaf (the complainant) a retired employee of the Customs Department (FBR) filed complaint against the Director, Directorate of I&I-IR (Dte of I&I-IR), Lahore in terms of Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 (FTO Ordinance) for failing to sanction admissible reward in five listed cases to the complainant.

3. The complaint was referred to the Secretary, Revenue Division, Islamabad for comments. In response thereto, the Dte of I&I-IR, Lahore submitted para-wise comments dated 11.06.2020. It was contended that the request for sanctioning of cash reward had been referred to the Reward Committee constituted by the Directorate General, I&I-IR, Islamabad vide Office Order dated 12.06.2019 to determine the admissibility of reward after due scrutiny. It was further contended that admissible reward would be disbursed upon sanction by the I&I-IR, H.Qs and availability of funds under the relevant head.

4. After evaluating the stance of the both sides, the learned FTO passed the above referred order. Hence, the instant representation by the FBR.

5. The hearing of the case has been held on 27.01.2021. Mr. Qadeer Ullah, Additional Director, Intelligence and Investigation-IR, Directorate General I&I-IR, Islamabad has represented FBR. On the other hand, the complainant did not appear due to Covid situation in the country. Needless to mention that Section 15 of the Federal Ombudsmen Institutional Reforms Act 2013 states that the representation can be decided on the basis of available record.

6. After evaluating and considering the matter, the learned FTO dealt the matter vide paras 2,3 & 4 i.e.:-
2. In response to notice under Section 10(4) of the FTO Ordinance read with Section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013, the Director, Directorate of I&I-IR, Lahore submitted Para-wise comments dated 11.06.2020. It was contended that the request for sanction of cash reward had been referred to the Reward Committee constituted by the Directorate General, I&I-IR, Islamabad vide Office Order dated 12.06.2019, to determine the admissibility of reward after due scrutiny. It was further contended that admissible reward would be disbursed upon sanction by the I&I-IR, H.Qs. and availability of funds under the relevant head.
3. During hearing, the DR furnished copy of letter dated 03.07.2020, addressed to the Director (HQ), I&I-IR, Islamabad, containing calculation of admissible reward to the Complainant, which is to be sanctioned and paid by the H.Qs office. The Complainant who appeared in person expressed satisfaction and desired for expeditious disposal and payment of the due reward.
4. It is observed from the record that the Complainant had been pursuing the refund case since 16.08.2019, while the Deptt on the pretext of non-availability of sufficient funds, admittedly, failed to dispose of reward claim of the Complainant."

7. As is evident from the above para 3 noting, and the stance of the Deptt even the calculation process had been undertaken for sanction. It is indeed a consent order which can hardly be assailed.

SS (70-2+12)

18.02

8. Accordingly, the Hon'ble President has been pleased to reject the instant representation of the Agency- Federal Board of Revenue.

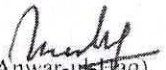
(Anwar-ul-Haq)
Director (Legal-II)
Ph: 051-9103571

The Chairman,
Federal Board of Revenue,
Islamabad

No.124/FTO/2020, dated 15.02.2021

Copy for information to:

1. Mr. Jamshed Yousaf, Superintendent (R), R/o 227-L Block, Model Town, Lahore.
2. The Registrar, Federal Tax Ombudsman, Islamabad.
3. The Chief (Legal-I), Federal Board of Revenue, Islamabad.
4. The Director (HQs) Intelligence & Investigation Inland Revenue, 3rd floor, Emigration Tower, G-8/1, Islamabad.
5. Master file.


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