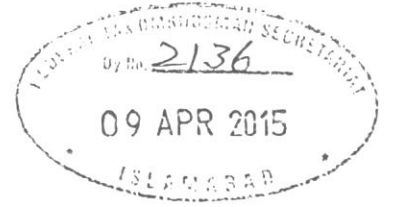


PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD



Mr. Naeem Abbas Pind Dadan Khan
Versus
Federal Board of Revenue

REPRESENTATION AGAINST DECISION/ ORDER/ FINDINGS/
RECOMMENDATION OF THE FEDERAL TAX OMBUDSMAN DATED 18.9.2013 IN
COMPLAINT NO.78/ISD/IT(49)/1104/13

I am directed to refer to your representation No.4(1104)TO-I/2013 dated 22nd Oct, 2013 on the above subject and to say that the President has been pleased to pass the following orders:

2. Feeling aggrieved of a provisional assessment order passed under Section 122C of Income Tax Ordinance 2001 for tax years 2009 to 2011 and further arrest in the course of recovery proceedings, complainant approached F.T.O praying for setting aside of the said Order and at the same time praying that a direction be issued for supplying certified copies of the said Order and further to issue direction for his release from jail. Agency (Revenue Division) replied that provisional assessment order was passed on 19.06.2012 for the said tax years and demand notice was served upon complainant and upon his failure to pay the tax proceedings were commenced and he was detained in civil prison. Agency further intimated F.T.O that complainant had filed W.P No.1660/2013 in the Lahore High Court, Rawalpindi Bench on 11.07.2013 and pursuant to verbal orders passed on 12.07.2013 and further an agreement with maternal uncle of complainant as also his father, the defaulter was released after payment of partial tax demand and undertaking to pay the balance in installments. F.T.O conducted hearing and proceeded to discuss the details and merits of the case including question of facts. F.T.O also observed that complainant was released under directions of the High Court. It was found that arbitrary and unlawful *ex-parte* assessment order was passed without proper investigation and procedure and illegal arrest was also unjust and oppressive and tantamount to maladministration. Following recommendations were made by F.T.O:

“FBR to direct the Commissioner concerned to-

- i. review the unlawful order under Section 122A of the Ordinance and issue refund/compensation to the Complainants' uncle recovered forcibly and unlawfully;

Contd. P/2

4. Accordingly, the President has been pleased to reject the above referred representation with the direction that strict disciplinary action should be taken against the officials found guilty of highhandedness and maladministration. Compliance now to be reported to the FTO's Secretariat within 30 days of the receipt of this Order.

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

/

(Arshad Farid Khan)
Director (Legal-II)

No.608/FTO/2013 dated 8th April 2015

Copy for information to:

- ✓ 1. The Registrar, Federal Tax Ombudsman, Secretariat, Islamabad.
2. Mr. Naeem Abbas s/o Muhammad Younas, C/o Mr. Manzoor Hussain Haderi, Tahir Electronic, Pind Dadan Khan

(Arshad Farid Khan)
Director (Legal-II)