

**THE FEDERAL TAX OMBUDSMAN
ISLAMABAD**

Complaint No.0851/QTA/CUST/2023

Dated: 16.02.2023* R.O. Quetta

Mr. Khuda-e-Dad s/o Khuda-e-Nazar,
House No.03, Street No.02,
Kiryani Road, Dehwar Colony,
Quetta.

... Complainant

V e r s u s

The Secretary,
Revenue Division,
Islamabad.

... Respondent

Dealing Officer	:	Mr. Tausif Ahmad Qureshi, Advisor
Appraisal Officer	:	Dr. Arslan Subuctageen, Advisor
Authorized Representative	:	Complainant in person
Departmental Representative	:	Mr. Fahad Bahsir, D.D-I&I-Customs, Quetta

FINDINGS/RECOMMENDATIONS

The above complaint was filed in terms of Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 against the Directorate of Intelligence and Investigation-Customs, Quetta for not providing sufficient time to the prospective buyers to inspect the auctionable items.

2. Briefly, the Complainant states that the Directorate of I&I-Customs, Quetta uploads the auction list in haste on FBR website just one day before the auction. Further added that the details of the auction should be issued at least one week before the auction as per legal requirement, so that the bidders have enough time to participate in the auction and to satisfactorily check the actionable goods and vehicles. The Complainant has prayed that the Directorate may be instructed to ensure adequate display of the goods, vehicles and foodstuff prior to auction, so as to save the bidders from any possible loss.

* Date of registration in FTO Secretariat

3. The complaint was referred for comments to the Secretary, Revenue Division, Islamabad in terms of Section 10(4) of the FTO Ordinance, 2000 read with Section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013. The Directorate submitted reply stating therein that the Directorate has uploaded lists meant for auctions which were scheduled on 14.02.2023 and 28.02.2023. Moreover, it is evident from the record that the complaint has been filed on 16.02.2023 before the next auction which was to be scheduled on 28.02.2023. The Public Notice was uploaded on FBR's website mentioning the name, designation and contact number of Focal Person. The Directorate has prayed that the Complainant may be directed to contact the Focal Person before the auctions and that the instant complaint may please be filed.

4. The Directorate's reply was sent to the Complainant for rejoinder. The Complainant's rejoinder was found irrelevant having no nexus with the contents of the complaint. Here he has pointed out certain irregularities in the auction which are not contained in the complaint.

5. AR and DR attended personal hearing. They averred to the same stance as taken in their earlier statements. Regarding rejoinder, the Complainant was suggested to file fresh complaint in this regard, as the rejoinder has no relevance with his complaint.

Findings:

6. From perusal of arguments and record, it has transpired that auction scheduled for 14.02.2023 was conveyed to the Chief (FATE) FBR, Islamabad vide Director I&I, Quetta's letter No.1(1)DCI/Auction/QA/2021/265 dated 13.02.2023. This was done one day before the auction. This lends credence to the grievance of the Complainant that they are not given ample time for inspecting the goods, the vehicles and the foodstuff, as they require time to firm up their mind in order to offer bids during auction. This is tantamount to maladministration in terms of Section 2(3) of the Federal Tax Ombudsman Ordinance, 2000.

Recommendations:

7. FBR to:

- (i) direct the Director General, Intelligence and Investigation-Customs, Islamabad to issue written instructions to his subordinate directorates including the Directorate of I&I, Quetta to strictly adhere to the auction rules provided in Chapter-V of the Customs Rules, 2001, issued vide SRO 450(1)/2001 dated 18.06.2001 especially Rule 58(4), Rule 61(b), (c) & (d) and Rule 65(a); and
- (ii) report compliance within 30 days.

ALL
(Dr. Asif Mahmood Jah)
(Hilal-i-Imtiaz) (Sitara-i-Imtiaz)
Federal Tax Ombudsman

Dated: *5-5* 2023

Asst. Secy

Approved for reporting