

**THE FEDERAL TAX OMBUDSMAN
ISLAMABAD**

COMPLAINT NO.1973/ISB/IT/2023

Dated: 16.01.2023*HQ Islamabad

Mr. Shahid Iqbal,
Shahid Steel, Main Bazaar,
Kotali Sattian, Rawalpindi.

...Complainant

Versus

The Secretary,
Revenue Division,
Islamabad.

...Respondent

Dealing Officer	:	Mr. Muhammad Naseer Butt, Advisor
Appraised by	:	Mr. Muhammad Tanvir Akhtar, Advisor
Authorized Representative	:	None
Departmental Representative	:	Mr. Muhammad Hayat Khan, ADCIR, RTO, Rawalpindi

FINDINGS

The above-mentioned complaint was filed under Section 10(1) of the Federal Tax Ombudsman Ordinance 2000 (FTO Ordinance). The complaint was referred for comments to the Secretary, Revenue Division, in terms of Section 10(4) of the FTO Ordinance, read with Section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013 (FOIR Act). Parawise comments were received from RTO Rawalpindi vide letter dated 19.04.2023, which were examined and placed on file.

2. Hearing notice u/s 9(2) of the FOIR Act was issued to the parties for compliance on 17.05.2023. In response to which Mr. Muhammad Hayat Khan, ADCIR from RTO Rawalpindi attended as Departmental Representative (DR). The complainant did not join proceedings. Arguments were heard, record perused and complaint is disposed of as under.

3. The complainant alleged that his bank accounts were blocked due to outstanding income tax demand. The complainant further

stated that he had never received any assessment order nor any assessment is available on IRIS. As no response was received from the department, so the complainant put up this complaint before this forum with the prayer that the department may be directed to provide a copy of the assessment order.

4. The department filed written comments wherein, they stated that assessment order was passed u/s 122 of the ordinance on 30.06.2019 and tax demand of Rs. 551,500/- was created. Despite issuance of recovery notices, which were properly served to the complainant, he failed to deposit the outstanding tax demand of Rs. 551,500/- for Tax Year 2013. Later on, the outstanding amount was recovered through bank attachment of the complainant. The department further stated that the assessment order was passed in June 2019 and after issuance of assessment order/ demand notice to the complainant, the record was sent to the record room which was now examined and found that the said order is available on record. Assessment record has been sent to IP/TFD to issue the attested copy of the order to the complainant.

5. An email from the Complainant's was received on 16.05.2023 wherein, he requested for withdrawal of his complaint as he confirmed that he received attested copy of the order.

6. Before parting with the order, the observation is brought on record to the effect that the concerned tax office neither issued assessment order and demand notice nor did they serve the same properly on the taxpayer. This fact has been admitted by the department in their comments extract wherefrom have also been mentioned in Para-No. 04. The department did not stop here but went way beyond their legal domain and made recovery from bank account of the by adopting coercive measures without first issuing and serving the assessment order and demand notice on the

taxpayer. Thus, by their unlawful action, they infringed upon the right of appeal available to the taxpayer. This office shows disapprobation to the unlawful act of the department. The FBR is advised to look into such grave lapses and evolve an integrated and effective monitoring system for issuance and service of statutory notices, assessment orders and demand notices so that the statutory rights of taxpayer could be protected.

7. Since grievance of the Complainant has been redressed with the intervention of FTO Secretariat and requisite relief granted, therefore no further proceedings are required in the case. The instant complaint is, therefore, disposed of accordingly. Office is directed to consign file to the record room.


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

Dated: 01-06-2023

Approved for reporting