THE FEDERAL TAX OMBUDSMAN
ISLAMABAD

Complaint No.28665/KHI/IT/2025
Dated 24.11.2025* R.O. Karachi.
(Tax Year 2024)

MRS. SADIA AAMIR .... Complainant
Registration No.4220104171208
4/12-1 Hashim Raza Road, Model Colony,
Sheet No. 4, Near Suaad Bakery,
Karachi.

Versus

The Secretary
Revenue Division
Islamabad. .... Respondent

Dealing Officer	: Syedain Raza Zaidi, Advisor
Appraisal Officer	: Mr. Khalid Javed, Advisor
Authorized Representatives	: Mrs. Riffat Naeem, Advocate
Departmental Representatives	: Mr. Imran Falak Sher, DCIR, LTO, Karachi.

Federal Tax Ombudsman Secretariat HQs FTO Islamabad

FINDINGS

The complaint has been filed under Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 (FTO Ordinance) against the Order u/s122(1)/(5) of the Income Tax Ordinance, 2001 (ITO) for the tax year 2024, passed by the Deputy Commissioner Inland Revenue, Unit-AEOI-1, Zone-AEOI, LTO, Karachi.

2. Briefly stated, the complainant is a non-resident individual, a widow, and a resident of the United Arab Emirates, having nil taxable income in Pakistan. She has been registered with the Federal Board of Revenue since 01.01.1995 under NTN No. 0904409-4 and has been filing income tax returns as a non-resident with no Pakistan-source income. The complainant stated that notices under Sections 176, 111, and 122(9) of the Income Tax Ordinance, 2001 were issued by the Deptt. and duly replied with documentary evidence. On 05.05.2025, relevant documents including

Date of registration in FTO Secretariat

CNIC, passport, Iqama, husband's death certificate, proof of UAE residence, property documents, as well as copies of her UAE Golden Visa and UAE Residence Card were submitted at TFD counter of LTO.

3. The complainant further contended that vide online replies dated 01.05.2025 and 25.10.2025, along with a manual reply dated 05.05.2025, the Department was clearly intimated that she is a non-resident widow and not obliged to file income tax returns or wealth statements. Accordingly, invocation of Section 111 of the Income Tax Ordinance, 2001 was unlawful. The complainant asserted that, despite settled judicial precedents holding that Section 111 cannot be invoked against non-resident taxpayers, the concerned officer ignored the submissions and passed an order creating an illegal tax demand of Rs.50,127,250/-, without consideration of record. The complainant further stated that submissions were made multiple times, both electronically and manually; however, all documentary evidence was ignored. Further, during a visit to LTO Karachi on 06.05.2025, the newly posted Deputy Commissioner-IR declined to hear the matter. Subsequently, the previous officer rejoined and passed the impugned order without considering the submissions already on record. Additionally, the complainant contended that the actions of the respondent officers resulted in harassment and maladministration. The complainant asserted that no alternate speedy or efficacious remedy is available under the law and has, therefore, approached this Forum.

4. The complaint was referred to the Secretary Revenue Division, Government of Pakistan for comments and hearing by the Department, in terms of Section 10(4) of the FTO Ordinance read with section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013.

5. The Commissioner-IR, Automation Exchange of Information Zone (AEOI), LTO, Karachi submitted Para-wise comments vide letter No.CIR/AEOI-ZONE/LTO-KHI/FTO/2025-26/490 dated 05.12.2025 by arguing as under: -

"i) *The Order under Section 122(1)/(5) of the Income Tax Ordinance 2001 was passed after providing complainant with proper opportunity of being herd and after considering complainant's contentions. The complainant failed to substantiate its claims in the light of documentary evidence. If aggrieved from Order, the complainant has right to file appeal before the appropriate appellate forum available as per provision of the Income Tax Ordinance, 2001.*

ii) *The complainant was repeatedly asked to prove its non-residency by furnishing explanation of the non-resident status in terms of Section 82 of the Income Tax Ordinance, 2001, from the date of creation of asset till tax year 2024, in the light of documentary evidence.* ***These requests were made during proceedings under Section 176(4) followed by proceedings under Section 111(1) and later u/s 122(9) of the Ordinance. Despite these repeated requests, the complainant failed to provide any credible proof or specify the period of non-residency, clearly indicating the absence of any tangible defense****. Submission of UAE Golden Visa or UAE residence card does not constitute complainant's non-residency in Pakistan.* ***Instead, non-residency can only be proved if complainant has stayed less than 183 days as per Section 82 of the ITO, 2001 from the date of creation of asset till tax year 2024****, which complainant failed to do. Furthermore, complainant failed to provide any explanation regarding nature and source of investment used to acquire the said properties.*

iii) *Further the Deptt. received definite information from Board, that complainant had owned and concealed foreign asset(s) i.e. immovable properties in the United Arab Emirates. Accordingly, notice under Section 176(4) of the Income Tax Ordinance, 2001 was issued vide letter dated 9.10.2024 for tax year 2024 in light of Section 111(2)(ii) of the Income Tax Ordinance, 2001. In response, the complainant failed to attend the hearing and record statement on Oath.* ***Instead, the complainant provided reply vide letter dated 01.05.2025, where complainant took the contention that complainant was a non-resident individual residing in the United Arab Emirates and the said properties were inherited from complainant's husband*****.** ***Complainant's reply was considered but found deficient since complainant failed to prove non-residency period in terms of section 82 of the Income Tax Ordinance, 2001. Likewise, complainant failed to furnish any documentation, which shows that the said properties have been acquired through inheritance****. Accordingly, proceedings under Section 111(1) of the ITO, 2001 were initiated vide letter dated 3.10.2025. In response the complainant* *failed to provide any reply. Accordingly, proceedings were concluded on 13.10.2025 with Order passed under Section 111(1) of the ITO, 2001.*

iv) *The Deptt. further stated that order u/s 122 was passed after providing opportunity of hearing and after considering complainant's contention".*

FINDINGS:

6. Both the parties attended the hearings and made submissions, which were considered and record perused. The order passed under Section 122(1) of the Income Tax Ordinance, 2001 has been examined. Adequate opportunity of hearing was provided to the complainant, and the reply submitted by the complainant was duly considered, incorporated, and rebutted by the Departmental officer. The main contention of the Complainant, emanating from her submissions is that she is a non-resident and further that she acquired the properties involved in the assessment through inheritance. The Deptt. issued notices time and again but the Complainant could not prove her stay in Pakistan (less than 183 days) in the light of travel history relevant to the period of tax year, 2024. Secondly as per Departmental contention, no proof of inheritance of properties was provided to the Deptt. However, as an abundant precaution this Forum also asked the Complainant/AR through e-mail dated 09.02.2026 to furnish the documentary evidence regarding claim of non-resident and acquisition of properties through inheritance. In response thereto, the AR of the Complainant submitted copies of passport. It is not ascertainable from the copy of the passport provided that the Complainant was non-resident during the period relevant to tax year 2024. Similarly, Complainant also failed in providing evidence of inherited properties. Resultantly, the Complainant has failed to provide any evidence to substantiate that she had inherited the properties from her husband and that she was non-resident during the tax year 2024. Conclusively, no maladministration on the part of the Deptt. could be established during the investigation process. Further, the complaint is

primarily against an assessment order made u/s 122 by the Deptt. which involves determination of tax, which falls out of jurisdiction of this Forum in terms of provision of Section 9(2)(b) of the FTO Ordinance, 2000. However, the complainant has right to file appeal before the appellate authority. Since substantial time period has been consumed in investigation before this Forum, therefore, the concerned CIR(Appeal) is advised to consider the condonation of time period for filing of appeal, if the complainant so approaches and decide the same expeditiously for resolution of the issues involved in the assessment.

7. The complaint is disposed of, in above given terms and case file consigned to record.

(M. Zafar-ul-Haq Hijazi)
Federal Tax Ombudsman

Dated: 17 FEB 2026