

BEFORE THE APPELLATE TRIBUNAL, SINDH REVENUE BOARD.  
(Before: Mrs. Alia Anwer, Member Judicial)

Appeal No.AT-115/2022

M/s. Pegasus Consultancy (Pvt.) Limited,  
Through its Authorized Officer,  
Mr. Sagheer Ahmed Siddiqui,  
Having its office at 312,  
3<sup>rd</sup> Floor, Business Centre,  
Mumtaz Hasan Road,  
Karachi. .... appellant

Versus

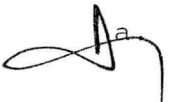
The Assistant Commissioner Unit-2,  
Sindh Revenue Board,  
Government of Sindh,  
Karachi. .... respondent

Mr. Muhammad Asif Hussain Qadri, advocate for  
appellant.  
Mr. Muhammad Yasir, AC Unit-2, for respondent.

Date of hearing: 13.03.2023  
Date of order: 13.03.2023


ORDER

The appellant has assailed the order dated  
22.09.2018 passed by the Assistant Commissioner  
(Unit-2) vide Order-in-Original No.798 of 2018  
(hereinafter referred to as "the Original Order")  
whereby the appellant has been directed to pay a  
under;

 Sales Tax amounting to Rs.2,289,264/-,


- b. Penalty amounting Rs.1,14,463/- (being 5% of the sales tax due) under serial No.3 of the Table in section 43 of the Sindh Sales Tax on Services Act, 2011 (hereinafter referred to as "the Act"), for contravention of section 8, 9, and 17 of the Act read with rule 14 of the Sindh Sales Tax on Services Rules, 2011 (hereinafter referred to as "the Rules").
- c. Penalty amounting to Rs.100,000/- under serial No.15 of the Table in section 43 of the Act, and
- d. Penalty amounting to Rs.2,289,264/- under serial No.6(d) of the Table in section 43 of the Act.

2. Per Original Order, the appellant i.e. M/s. Pegasus Consultancy (Pvt.) Ltd., (vide tariff heading 9827.2000 of the Second Schedule of the Act) is a leading 'Exhibition' service provider of Pakistan and under sections 3, 8, 9 and 17 of the Act, the registered person (appellant) is liable to charge, collect and pay Sindh Sales Tax on Services at the prescribed rate. During the period of July 2016 to June 2017, the appellant (registered person) was subjected to Annual Audit by SRB Audit Wing, in exercise of powers conferred under section 28 of the Act. It transpired from the Audit Report No.SRB/Com-Audit/2017-2018/1520 dated 9<sup>th</sup> June 2017 that the appellant (registered person) was involved in violation of the express provisions of the Act and the Rules, resulting into non-payment and short payment of due amount of Sindh Sales Tax on Services, during the captioned tax-period.



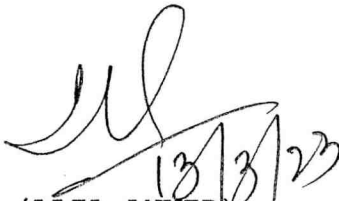
3. In pursuance of above observations, show-cause notice dated 06.07.2018 was served upon the appellant to explain as to why the evaded Principal amount of Sindh Sales Tax on Services worth Rs.6,512,492/- may not be recovered from him so also as to why the penalties attracted should not be imposed on him. The appellant filed its reply dated 14.07.2018. Having found the said reply unsatisfactory, Assistant Commissioner (Unit-2) passed the Order-in-Original No.798 of 2018. Being aggrieved by and dissatisfied with the observations of Assistant Commissioner (Unit-2), appellant filed instant appeal before Commissioners (Appeals), which has been transferred to this Tribunal under section 59(7) of the Act.

4. Learned counsel for appellant submits that during pendency of instant appeal before the Commissioner (Appeals), appellant's matter was referred to the Assistant Commissioner (Unit-2) for reconciliation. He contended that during pendency of such reconciliation proceedings, statutory period (provided under section 59(5) of the Act, for disposal of appeal) expired, therefore; instant appeal was transferred to this Tribunal. Learned counsel submits that reconciliation proceedings have been completed and the then Assistant Commissioner (Unit-2) has issued RECONCILIATION REPORT date 23.11.2020, according to which there exists a liability towards appellant. Learned counsel for appellant submitted that said RECONCILIATION REPORT dated 23.11.2020 copy whereof was supplied to Mr Yasir, present Assistant Commissioner (Unit-2), who confirmed authenticity of RECONCILIATION REPORT



dated 23.11.2020. He categorically stated that appellant has paid all dues adjudged in the Order-in-Original.

5. In view of the above position, instant appeal is hereby disposed off. The copy of this order may be provided to the learned representatives of the parties.

  
13/3/23  
(ALIA ANWER)  
Member Judicial,  
Appellate Tribunal,  
Sindh Revenue Board.

Karachi;  
Dated 13.03.2023.

Copy supplied to:-

1. The appellant through authorized representative,
2. The Assistant Commissioner (Unit-2), SRB, Karachi,
3. The Commissioner (Appeals), SRB, Sindh,
4. Office File, and
5. Guard file.