

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

Appeal No.AT-143/2022

M/s. Stalwart,
Through its representatives, namely;
Mr. Muhammad Waseem and Syed Jaffer Imam,
Office No.403, 4th Floor,
Al-Yousuf Chamber, near Baloch Colony,
Karachi. appellant

Versus

The Assistant Commissioner Unit-18,
Sindh Revenue Board,
Government of Sindh,
Karachi. respondent

Mr.Muhammad Asif Hussain Qadri, advocate for
appellant.
Mr.Rashid Ahmed, AC Unit-14, for respondent.

Date of hearing: 22.03.2023

Date of order: 22.03.2023

ORDER

The appellant has assailed the order dated 23.05.2016 passed by the Assistant Commissioner (Unit-18) vide Order-in-Original No.397 of 2016 (hereinafter referred to as "the Original Order") whereby the appellant has been directed to pay as under;

- a. Sales Tax amounting to Rs.626,327/-,
- b. Penalty amounting Rs.31,316/- 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"), and
- c. Penalty amounting to Rs.130,000/- under serial No.2 of the Table in section 43 of the Act.



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2. Per Original Order, the appellant i.e. M/s. Stalwart is registered vide tariff heading 9829.0000 of the Second Schedule of the Act (i.e. Labour and manpower supply service). During scrutiny it transpired that appellant provide services to M/s. Agility Logistics (Pvt.) Ltd., amounting to Rs.8,403,433/- and the Sales Tax was calculated at Rs.1,243,351/- in which an amount of Rs.117,024/- was withheld and paid by M/s. Agility Logistics (Pvt.) Ltd., for the tax period October-2014 to November-2014. Appellant paid Sales Tax with SRB amounting to Rs.500,000/- but did not pay remaining amount of Rs.626,327/- with SRB.

3. In pursuance of above observations, show-cause notice dated 06.07.2018 was served upon the appellant to explain as to why the tax liabilities amounting to Rs.626,327/- may not be assessed and recovered from him so also as to why the penalties attracted should not be imposed on him.

In response to the above show-cause notice, Mr. Arshad Mahmood proprietor M/s. Stalwart appeared. On account of his un-satisfactory, Assistant Commissioner (Unit-18) passed the Order-in-Original No.397 of 2016. Being aggrieved by and dissatisfied with the observations of Assistant Commissioner (Unit-18), 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 for reconciliation. He contended that during pendency of such reconciliation proceedings, statutory period



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(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-14) has issued COMPREHENSIVE REPORT dated 203.07.2020, according to which there exists no liability towards appellant. Learned counsel for appellant submitted said COMPREHENSIVE REPORT dated 203.07.2020 copy whereof was supplied to Mr. Rashid Ahmed, present Assistant Commissioner (Unit-14), who confirmed authenticity of COMPREHENSIVE REPORT dated 203.07.2020. 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.



(ALIA ANWER)
Member Judicial,
Appellate Tribunal,
Sindh Revenue Board.

Karachi;
Dated: 22.03.2023.

Copy supplied to:-

1. The appellant through authorized representative,
2. The Assistant Commissioner (Unit-14), SRB, Karachi,
3. The Commissioner (Appeals), SRB, Sindh,
4. Office File, and
5. Record file.

Certified to be True Copy



REGISTRAR
APPELLATE TRIBUNAL
SINDH REVENUE BOARD

Order issued on

05-04-2023



Registrar

Order Dispatched on

05-04-2023



Registrar