

Ref : KTBA/11.2021/271

Date : November 09, 2021

**Mr. Rahmatullah,**  
Second Secretary (Appeal),  
Federal Board of Revenue,  
Islamabad.

## **E-FILING OF APPEALS IN SALES TAX AND FEDERAL EXCISE REGIMES**

*Dear Mr. Rahmatullah Sehb,*

This is in furtherance, to the webinar held on the above subject on October 22, 2021 and was participated amongst others by the Karachi Tax Bar Association (KTBA). We sincerely express our gratitude for providing the KTBA an opportunity to voice our point of view on the subject and would like to share below our suggestions and feedbacks for your kind perusal and necessary consideration:

- 1. Numeric Number and acknowledgement:** A distinct numerical number is proposed to be allotted to each appeal and similarly we also propose that online acknowledgement for each appeal shall be served to the appellant from the concerned Commissioner Appeals (containing his Name, Appeal Jurisdiction, Email Address and other necessary particulars).
- 2. Appeal Form:** A digital or web based form is proposed to be prescribed that essentially contains basic information about the case (like appellant's name and its number, tax period(s), order jurisdiction/section, order date and tax demanded). This feature though is omitted from income tax regime with introduction of e-filing of appeals, is suggested to be reintroduced in like manner.
- 3. Condonation of delays:** Currently late e-filing of appeals under the income tax regime is conditional to acceptance of application for condonation of time by the concerned Commissioner Appeals. It needs to be appreciated that appeal is a creature of law provided under section 45B of the Sales Tax Act, 1990 (Act) which cannot be made subservient to a successful order from the concerned Commissioner Appeals in a corresponding proceeding. The KTBA proposes that no such condition is adopted in the Sales Tax E-appeals and the same should also be done away with from E-appeals under the Income Tax Regime.
- 4. Fixation and disposal of stay application:** The rules for fixation and disposal of stay application should have definite deadlines for the concerned Commissioner Appeals to follow mandatorily with consequence. Needless to add that the timelines prescribed under Rule 76G of Income Tax Rules, 2002, are not practiced in letter and spirit.
- 5. Service of notices and orders to appellant:** All notices and orders in appeal proceedings shall effectively be served via primary modes as provided under section 56(1)(a), 56(1)(b) of the Act and in case this being not possible only then option of service of notices and orders via secondary mode as provided under section 56(1)(c) and (d) of the Act shall be exploited. The date of service of notice or order shall essentially be reckon in like manner.

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6. **Services of notices and order to field formation:** All notices and orders including stay orders issued by the concerned Commissioner Appeals should seamlessly be served to the concerned field formations so that the IRIS portal is updated bilaterally in real-time.
7. **Dedicated links:** The portal should have dedicated link to upload (a) Written Arguments (b) Miscellaneous Applications for multiple reasons etc.
8. Finally we also suggest that :
  - 8.a the draft e-appeal procedure should be shared with the KTBA prior to launching in order to undertake enhanced due diligence.
  - 8.b before adoption of the new system, the manual filing of appeal as in vogue currently should be run concurrently for some time.

We are confident that you will find the proposals and feedback amenable for adoption. We at the KTBA will always continue to play a positive role for mutual good.

Thanking you,  
Yours sincerely,

  
(Muhammad Zeeshan Merchant)

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C.C. to:

- i. **Dr. Muhammad Ashfaq Ahmed**, Chairman, FBR, Islamabad.
- ii. **Syed Ghulam Abbas Kazmi**, Member (Legal), FBR, Islamabad.
- iii. **Mr. Afaq Ahmed Qureshi**, Member (Inland Revenue - Policy), FBR, Islamabad.
- iv. **Mr. Qaiser Iqbal**, Member (Inland Revenue - Operations), FBR, Islamabad.
- v. **Dr. Ashfaq Ahmad Tunio**, Member IT (Information Technology), FBR, Islamabad.
- vi. **Mr. Rana Munir Hussain**, President, Pakistan Tax Bar Association.
- vii. **Press and Media.**