

Ref : KTBA/04.2023/0024

Date : April 12, 2023

**Senator Azam Nazeer Tarar**  
Federal Minister for Law & Justice  
Islamabad.

Dear Azam Sahib, AOA

**NON-APPOINTMENT OF CHAIRMAN APPELLATE TRIBUNAL INLAND REVENUE (ATIR)  
CESSATION OF BENCHES  
IMPENDING RECOVERIES OF TAXES, CAUSING HARDSHIP**

We, Karachi Tax Bar Association, would like to bring your urgent attention towards the fact that due to superannuation of previous Chairman, Appellate Tribunal Inland Revenue (ATIR) - Mr. Muhammad Waseem Chaudhary, the post of the Chairman became vacant on April 5, 2023.

2- Consequent to above, the benches of the Tribunal, which hear the cases of Income Tax, Sales Tax and Federal Excise Duty have ceased to operate and have become dysfunctional. Owing to the application of its own set of law and rules, all the five benches in Karachi likewise all across the country, have become completely dysfunctional till the appointment of its new Chairman or till any further orders are issued by the competent authority, which for your knowledge have not been issued as yet.

**Illegals recoveries are apprehended:**

3- During this intervening period, we at the Bar are receiving number of frustrating emails and chaotic phone calls from our members that the whole appellate process has been put on halt, which has inflicted irreparable losses to number of appellants in terms of opportunistic recovery of illegal tax demand by the department as the appellants have no other authority to revert to. The staff at the Tribunal on the other hand have no clue as to what is to be done as they are sitting completely direction less and literally have nothing to answer.

**Quantum of appeals and stay application pending:**

4- Your office must understand that the Tax Appellate Tribunal is an appellate authority which takes hundreds and hundreds of appeal cases every single day in all its six (06) stations across the country and it is simply unbelievable to even register that a court and its whole judicial system would collapse merely on the retirement of its chairman and the whole of its machinery would come to halt and would stop admitting appeals and would cease to listen to cases no matter as to whatever the grim situation its appellant is faced with.



## **Uncalled for Situation:**

5- The situation is unprecedented and is unheard in any civilized society with a developed tax regime. Neither this situation could be imagine to have happened in Pakistan in case of High Court that it's functions would cease to operate and would become immobile due to any such situation. The disposition of appeals and deliverance of justice are the ethos, which cannot be comprised under any circumstance. Any situation otherwise would be travesty of justice with taxpayers and would reflect an abysmal portrait of a handicapped mechanism yearning to get corrected on emergency basis up to the minimum of judicial standards. So is the case with our Tax Appellate Tribunal.

6- Genuine and bona fide taxpayers of the country who believe in filing appeals for their de jure pleas have been stranded at the door for the last one week. They are faced with the threat of recovery especially in cases where the Injunction Order (Stay Order against recovery of Tax demand) is either freshly required from the ATIR or where these are expiring / becoming due for its extension. The situation is highly uncalled for.

## **Request for Way Forward:**

Your intervention is acutely required where the circumstances demand that the necessary instructions for the restoration of benches are issued to the Tribunal Member Roster, immediately or alternatively Special Benches are constituted at least for hearing of Stay Applications.

Yours sincerely,

  
(Zafar Ahmed)

President

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C.C to :

- i. The Appellate Tribunal Inland Revenue of Pakistan (HQ.), Islamabad.
- ii. The Section Officer (A.IV), Law & Justice Division, Islamabad.
- iii. The Member (Admin/Roster), Appellate Tribunal Inland Revenue, Karachi.
- iv. The Assistant Registrar (Roster) Appellate Tribunal Inland Revenue, Karachi.
- v. Mr. Rana Munir Hussain, President, Pakistan Tax Bar Association.
- vi. Press and Media