



# ITBAK's

# News & Views

#### Member's Assistance Committee

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A monthly publication of the Income Tax Bar Association, Karachi covering information on recent important judicial pronouncements, circulars and clarifications

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#### Message of the Convenor - Members Assistance Sub-committee

Dear Members,

On behalf of the Members Assistance Sub-committee, I am pleased to present the July, 2002 issue of "ITBAK'S News & Views".

As you all are aware that the new Income tax Ordinance, 2001 has become effective from July 01, 2001. As members of the bar we are equally responsible alongwith the government to facilitate the people at large in order to ensure smooth implementation of the law. The bar has facilitated the members in understanding the law by holding seminars on the Ordinance, 2001.

Through this publication, we intend to continue to assist the members in understanding the new law in a befitting manner. As a first step we are publishing a chart showing the various withholding tax obligations under the new Ordinance. 2001. Members who like to share their views on different topics of the Ordinance, 2001 are advised to provide their articles for future publications..

Finally, I would like to thank the members of the Members Assistance Committee for their continued support and efforts.

With best regards

Haider Ali Patel, ACA

|  | SUMMARY (  | OF CIRCULARS/NOTIFICATIONS   |                              |
|--|------------|--|------------------------------|
| CIRCULARS/<br>NOTIFICATIONS<br>REFERENCE | DATE       | ISSUES INVOLVED  | ITBAK<br>LIBRARY<br>REF: NO. |
|  |            | INCOME TAX   |                              |
| Circular No.7                            | 15.06.2002 | Self Assessment Scheme u/s. 59(1) Assessment Year 2002-2003.   | 83                           |
| Circular No.8                            | 29.06.2002 | Clarification regarding collection of Advance Income Tax u/s. 236 of I.T Ord., 2001 from users of pre-paid card and subscribers of Mobile Phones.  | 84                           |
| Circular No.9                            | 29.06.2002 | Instructions for expeditious issuance of Exemption Certificate on Import stage u/s. 148 of I.T. Ord, 2001 [Old S.50(5)].   | 85                           |
| SRO (I)/2002                             | 28.05.2002 | Double Taxation Treaty between Pakistan and Kuwait signed on 30.06.1998, notified to be effective in respect of taxes withheld at source, for amounts paid or credited on or after 1.1.1999 and in respect of other taxes, for taxable periods beginning on or after 1.1.1999. |                              |
| SRO 322(I)/2002                          | 13.06.2002 | Chapter AA-comprising of Rules 33A to 33C inserted in Income Tax Rules, 1982, for mandatory maintenance of Minimum Books of Accounts effective from 1st July, 2002.  | 87                           |

| CIRCULARS/<br>NOTIFICATIONS<br>REFERENCE   | DATE       | ISSUES INVOLVED  | ITBAK<br>LIBRARY<br>REF: NO. |
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| SRO 381(I)/2002                            | 15.06.2002 | Income Tax Ordinance, 2001, which was earlier enacted on 13.9.2001, notified to come into force with effect from 1st July, 2002.   | 88                           |
| C.No.2(1)S.Asstt/2002                      | 1.7.2002   | Jurisdiction of 292 specified persons transferred to Director General of Income Tax and Sales Tax, LTU, Karachi.   | 89                           |
| C.No.2(1)S.Asstt/2002                      | 1.7.2002   | Power and functions of CIT(Audit); CIT, (Enf. and Collection Division); CIT (Legal Division) and CIT(Tax payers Service Division), for Large Tax Payers Unit, Karachi, notified.   | 90                           |
| SE (SE)                                    |            | SALES TAX  |                              |
| Instruction No.41/2002                     | 15.05.2002 | Explanation regarding exemption on Raw Materials for the manufacture of pharmaceutical products vide SRO 211(I)/2002 dated 7.4.2002.   | 91                           |
| Instruction No.42/2002                     | 5.06,2002  | Sales Tax is payable on the value of CNG Fitted Vehicles, in terms of S.2(46) of Sales Tax Act, by the Manufacturers of Motor Vehicles.  | 92                           |
| Instruction No.44/2002                     | 7.06.2002  | Clarification regarding certain specified taxable/exempt materials for Horticulture Division, Pakistan Public Works Department, Islamabad.   | 93                           |
| Instruction No.45/2002                     | 8.06.2002  | It is permissible for any person to voluntarily pay amount of sales tax at any time before the due date, subject to certain conditions contained in CBR's letter dated 28.6.2001.  | 94                           |
| Instruction No.46/2002                     | 10.6.2002  | Central Excise Duty paid on Ship Plates, after dismantling /breaking of vessels, under SRO No.99(I)/02, dated 13.2.2002, is includible in the value of Ship Plates, for the purpose of charging sales tax thereon.   | 1                            |
| Instruction No.47/2002                     | 12.06.2002 | Issuance of Installation –cum-production certificate for Fork-<br>lift-Truck, is a pre-requisite for claim of benefit exemption<br>under SRO 987(1)/99 dated 30.8.1999 as Plant & Machinery.   | - <b>96</b>                  |
| Sales Tax<br>(Amendment)Ordinance,<br>2002 | 07.06.2002 | S.6(1A) inserted with retrospective effect, as deemed to have always been so inserted, to the effect that no person shall be entitled for any exemption/adjustment /refund of tax or account of absence of such provision in the Sales Tax Act, o on basis of any judicial order, merely on the basis of the doctrine of promissory estoppel or any promise/commitment understanding given in writing or other-wise by any Government Department or Authority. | e<br>n<br>r<br>e<br>e        |
| STC No.1/4-STB/2002                        | 15.6.2002  | Sales Tax Budget Instructions 2002-03, issued in respect of Revenue/Procedural/Administrative/Relief Measures.   | of 98                        |
| C.No.Dy.730-M(L)/2002                      |            | Chief (Judicial), CBR has issued guidelines for Adjudication Officers in regard to Principles and Functions of Adjudication under Indirect Taxes- Customs, Sales Tax and Central Excise  | n                            |
| C.No.Dy.730-M(L)/2002                      | 15.6.2002  | Instructions issued for effective Monitoring of Adjudication and court cases through Legal Divisions.  | d <b>100</b>                 |

| CIRCULARS/<br>NOTIFICATIONS<br>REFERENCE | DATE      | ISSUES INVOLVED  | ITBAK<br>LIBRARY<br>REF: NO. |
|--|-----------|--|------------------------------|
| SRO 334(I)/2002                          | 15.6.2002 | Enabling powers granted to CBR to appoint DG and other Sales Tax Officers having jurisdiction over the cases in Large Tax Payers Unit (LTU), Karachi.  |                              |
| SRO 335(I)/2002                          | 15.6.2002 | Mandatory requirement of legible and conspicuous expression of LTU on the top right corner on the Monthly Sales Tax Return by such Registered Persons. Selected for assessment in LTU.   |                              |
| SRO 336(I)/2002                          | 15.6.2002 | PNSC Branch, of NBP, Karachi, designated for payment of sales tax on return-cum-challan form by a Registered person in LTU.  |                              |
| SRO 337(I)/2002                          | 15.6.2002 | Certain amendments in SRO 448(I)/2000 dated 01.07.2000, in relation to regulating business of LTU.   | 104                          |
| SRO 338(I)/2002                          | 15.6.2002 | Cases relating to Registered Persons in LTU, under S.11(2) and S.36 shall be adjudicated by an officer of Sales Tax not below the rank of Collector.   | 105                          |
| SRO 339(I)/2002                          | 15.6.2002 | Certain amendments in the Registration, Voluntary Registration and De-Registration Rules, 1996, in regard to transfer of cases to LTU. Further, Proprietorship and Partnership Firm having single manufacturing unit, whose business premises and manufacturing unit is located in different areas, shall apply to the Collector for transfer to the   |                              |
|  |           | same location where manufacturing unit is located.   |                              |
| SRO 340/(I)/2002                         | 15.6.2002 | Certain amendments made in the Sales tax Recovery Rules, 1992. Superintendent and Senior Auditors role made effective for recovery.  |                              |
| SRO 342(I)/2002                          | 15.6.2002 | Zero-rating of Sales tax is available to supplies of locally manufactured Plant & Machinery to Petroleum and Gas sector exploration and production companies, including OGDC, their contractors and sub-contractors, subject to fulfillment of specified conditions.   |                              |
| SRO 343(I)/2002                          | 15.6.2002 | Goods exempted u/s.13 shall be charged to tax at zero percent on their export by a manufacturer, who makes local supplies of both taxable and exempt goods.  |                              |
| SRO 344(I)/2002                          | 15.6.2002 | Amendments made in Special Procedure for collection and payment of Sales Tax (Electric Power) Rules 2000, whereby Input Tax can now be claimed of electricity bills raised by a distribution company, provided such bills indicate registration number and address of the registered person claiming the same. Further, if consumption of power by Registered person is both for taxable as well as non-taxable activity, then proportionate input tax is admissible under apportionment of Input Tax Rules, 1996. |                              |
| SRO 345(I)/2002                          | 15.6.2002 | SRO 267(I)/2002 dated 15.5.2002, rescinded in regard to repayment of sales-tax u/s. 61 on export of goods. However, such re-payment will be admissible if bill of export has been filed prior to 15.6.2002.  |                              |

| CIRCULARS/ NOTIFICATIONS REFERENCE DAT            |                       | ISSUES INVOLVED   | ITBAK<br>LIBRARY<br>REF: NO. |  |
|---|-----------------------|---|------------------------------|--|
| SRO 346(I)/2002 15.6.2002                         |                       | SRO 7(I)/83, dated 5.1.1983 rescinded in regard to Exemption from Sales Tax on any goods manufactured on or after 1.7.80, subject to certain conditions.  | 112                          |  |
| SRO 347(I)/2002                                   | 15,6,2002             | SRO 22(I)/98, dated 16.1.1998, rescinded regarding exemption from Sales Tax on any goods manufactured by a manufacturer of chemical fertilizers for their exclusive use in their respective factories for manufacturing chemical fertilizers.   |                              |  |
| SRO 348(I)/2002                                   | 15.6.2002             | Amendments made in SRO 389(I)/2001, dated 18.06.2001, for enhancing rate of sales-tax @ 20% on import and supply of certain goods.  |                              |  |
| SRO 349/(I)/2002                                  | 15.6.2002             | SRO 995(I)/92 dated 08.10.1992 rescinded, which was authorizing imposition of penalty u/s. 33(1) of Sales Tax Act.  |                              |  |
| SRO 350(I)/2002                                   | 15.6.2002             | Registered Persons name notified, who are selected fo transfer to LTU.  |                              |  |
| SRO 351(I)/2002 15.6.2002                         |                       | The Refund of Input Tax Rules, 1991, Refund of Sales Tax Rules, 1992 and Retailers Enlistment Tax Rules, 2000 have been rescinded.  |                              |  |
| CITATION  | SECTION               | ISSUES INVOLVED   |                              |  |
|   |                       | INCOME TAX  |                              |  |
| (2002) 85 TAX 509<br>SUPREME COURT OF<br>PAKISTAN | 137                   | In this case, issue regarding filing of appeal u/s.137 and its had come-up before the Hon'ble Supreme Court. After exarelevant statutory provisions the Hon'ble Court has laid principles and have explained them in detail. (Members are requested to minutely and carefully read the details)   | down the                     |  |
| (2002) 85 TAX 381 (Trib)                          | Sec 30<br>Clause 118A | Lease income is not part of the profits and gains derived from an industrial undertaking u/s 118A of the Second Schedule. It is assessable u/s 30:  |                              |  |
| (2002) 85 TAX 376 (Trib)                          |                       | Assessing Officer cannot rectify the order blindly relying on the report of the audit and inspection authority, and without applying his own mind. Order passed prior to the date fixed for hearing cancelled by Hon'ble Tribunal by referring to its earlier judgment (2001) PTD TRIB. 3810.   |                              |  |
| (2002) 85 TAX 373 (Trib)                          | 59, 66A               | The assessee had filed his return USAS on the basis of income last assessed on 30.6.98 by virtue of Section 59(4). The IAC invoked Section 66A on the basis of Circular 18 of 1999 and was of the view that since assessment for assessment year 1996-97 was assessed at a higher income, the assessment framed u/s 59(1) for assessment year 1999 2000 was erroneous and prejudice to the interest of revenue. The Hon'ble Tribunal held that interpretation of IAC was not correct and since in the assessee's case, the assessment in the preceding year had already been completed on 30.6.98 by virtue of Section 59(4), hence |                              |  |

| CITATION                 | SECTION   | ISSUES INVOLVED   |
|--------------------------|-----------|---|
|                          |           | income declared for the assessment year 1998-99 to be treated as income declared as envisaged by CBR Circular No.18 of 1999 refund of the highest income ever declared by the assessee in the past years preceding to the last year.  |
| (2002) 85 TAX 364 (Trib) | 23        | The assessee had not charged interest on balance of current account. The assessing officer made addition by charging interest held there being no provision in law, income could not be deemed to have been earned without specific provisions of the law. Change in accounting policy should not be rejected on the ground that same to be against the interest of revenue.  |
| 2002 PTD (TRIB.) 1952    | 24(c), 50 | The word sum represents payment made in cash and not in kind. Purpose of Section 24(c) is not to disallow verifiable expenses but to ensure prompt and timely payment of taxes by the people who receives salary from such institution. The spirit of law should not be ignored and such provision should only be invoked when they apply in letter and spirit on the facts and circumstances of a case.  Order received by A.R. Limitation starts from the date assessee received it. Condonation of delay accepted.   |
| 2002 PTD 1808 LHC<br>66A | 66A       | An order u/s 66A cannot be passed after the expiry of 4 years from the date of the order sought to be revised.  |
| 2002 PTD 1816            | 53        | Issue regarding definition of word "Turnover" as used in Section 53(1)(b) and 53(2)(ii). CBR's Circular No. 13 of 1997 issuing instruction that the advance tax be computed on the basis of gross receipt declared void. The petitioners were directed to approach the CIT u/s 138, who will hear the parties and decide the question as to the interpretation of the term Turnover in Section 53. Completely independent of CBR Circular No. 13  |
|                          |           | of 1997 which was declared illegal by the Court .   |
| 2002 PTD 1858            | 12(18)    | No amount could be deemed as income of an assessee by reference to section 12(18) unless it was claimed as a loan in the manner contained in section 12(18).  |
| 2002 PTD 1865            | 59, 136   | Whether a return qualified for acceptance USAS does not give rise a substantial question of law. Referring to 1970 SCMR 872 it has been held that every question of law need not be referred to the HC and that only a question having some substance needed to be referred.  |
| 2002 PTD 1874            | 136       | Appeal filed by department during the period when the High Court had Reference Jurisdiction u/s 136. The Appeal thus was rejected by Hon'ble High Court.  |
| 2002 PTD 1895            | 59        | With reference to Self assessment scheme 1990-91, Every instructions issued by the Board in furtherance of that Scheme is to be read as part of the Scheme. Any deviation on the part of local revenue authorities including RCIT or CIT cannot be seen favour.  Secondly, the selection of the case for total audit on a vague and general ground that return income was less than the one returned by other persons engaged in the same business, such reason has not been approved by the Hon'ble High Court. It has been further held that, the suspicion of under statement of income in the given situation was neither based on definite information nor there was any material to support the same. |
| 2002 PTD 1878            | 135, 136  | Question whether reference u/s 136 lies from the order passed by the Tribunal u/s 135. The Hon'ble High Court while explaining the procedure  |

| CITATION                        | SECTION     | ISSUES INVOLVED   |
|---------------------------------|-------------|---|
|                                 |             | of filing Reference u/s 136 has formed different opinion from the judgment reported as 2000 PTD 2407. It has been observed that the provision of Section 136 continues to make a specific reference to the order of the Tribunal u/s 135 which could possibly give rise to a question of law. By making a specific reference to Section 135, the legislature has clearly restricted the scope of appeal or Reference only to be question of law which arise our of order u/s 135 none else.  To understand the interpretation of Section 136 with reference to filing of Reference out of orders of Tribunal, the learned members are requested to read judgments reported as 2000 PTD 2407 and subsequent Judgment of Hon'ble High Court of Sindh in case reported as 2002 PTD 570 (Already referred in News and Views NV 2).                      |
| 2002 PTD (Trib) 1898            | 17, 23, 32  | Charge of Tax on Accrued Interest on Government Securities on accrual basis not on receipt basis.  Bad Debts, Bank/ assessee itself was the best judge to determine as to what part of its bad debts required write-off. The Hon'ble Tribunal held that under no stretch of imagination a businessman of an ordinary prudence specially a bank would write off a debt only to save the taxes as that way he would loose more than that what he appeared to gain The Hon'ble Tribunal directed that bad debts claimed by the assesses should be allowed.  For the purposes of taxability of dividend on a fixed rate company has been excluded, it would follow that even banking public companies are assessable at concessional rates. Charge of tax on Dividend income thus held to be at 5%.  Bald estimated of excess perquisites not approved. |
|                                 | DECISION OF | FEDERAL TAX OMBUDSMAN   |
| 2002 85 TAX 514 FTO<br>PAKISTAN | 2, 9        | As for objection to the jurisdiction, FTO is concerned, it has been held that any of cases where maladministration has been alleged, the FTO has jurisdiction to investigate into it irrespective of the fact whether reviewed revision or appeal is provided by the statute.  On the objection of the department that the complaint has been filed on 11.9.2001 whereas, the impugned order was passed on 15.6.2000. It was claimed by the department that complaint is barred by limitation until 10(3) of the Establishment of FTO Ordinance. It was held by the Hon'ble FTO that after considering the facts and circumstances of the case and also considering the fact that the institution of jurisdiction of FTO has been newly created, which is not widely known, delay was condoned.   |
| (2002) 85 TAX 519               | *           | The Hon'ble FTO found the complaint frivolous. Rs.10,000 imposed or complainant as compensation to review decision.   |
| 2002 PTD 1918 FTO               | 2, 9        | In a landmark judgment, object, scope, extend and jurisdiction of Federa Tax Ombudsman explained by Mr. Justice ® Saleem Akhtar. (The members are request to minutely and carefully read the decision).   |
| 2002 PTD 1810                   |             | In the facts and circumstances of case, the Hon'ble FTO has observe that arrest and detention is harassment. It is further observed that actio of arrest and detention should be resorted as a last resort in case where the assessee does not own any property and there is likelihood of  |

different zone.

defeat the recovery by the assessee.

where the assessee does not own any property and there is likelihood of running away or disposing of the properties with intention to delay or

After examining the evidence against the Inspector, the Hon'ble FTO recommended for disciplinary against Inspector and his transfer to

| CITATION                          | SECTION | ISSUES INVOLVED   |
|-----------------------------------|---------|---|
| 2002 PTD 1823                     |         | It has been recommended by Hon'ble FTO Survey Form should be filled in a transparent manner without forcing any person to affix his signature   |
|                                   |         | on any documents. Signatures on Survey Forum does not amount to agreement and the assessee is entitled to file objection.   |
| 2002 PTD 1867                     |         | The Hon'ble Federal tax Ombudsman has made Recommendation regarding Tax Education programe.   |
| 2002 PTD 1872                     |         | On a complaint by an Advocate on the allegation observed that complaint appears to be false and frivolous. The Hon'ble FTO has further observed that it is regrettable that a member of the Bar should indulge in immoral, illegal and shameful act of paying bribe. The claim of recovery of bribe amount allegedly paid by him is illegal and against public policy.  |
|                                   |         | DAVE ALTILITAY  |
| 2002 PTD 1818                     |         | Assessee invested amount in plots. The said amount was Zakat paid, thus, claimed exemption from W.T. The Hon'ble Tribunal has held but since Zakat has not been deducted from value of plots, the plots were not exempt from Wealth tax.  |
| 19                                |         | SALES TAX   |
| 2002) 85 TAX FTO<br>2002 PTD 1805 |         | Sales-tax refund/adjustment was not being processed on the ground of verifiability of registered persons. The action has been disapproved by the Hon'ble FTO and it has been recommended for issuance of refund along with additional tax u/s 76.   |
| 002 PTD 1927                      | 3, 13   | It has been held by Hon'ble Supreme Court in cases of Gadoon Amazai Estate that one time relief of 25% of the total value of raw material as decided by Economic Coordination Committee (ECC_ is available to each and every industrial who was affected on account of withdrawal of Notification SRO 517/(I)/89 Dated 3.6.89. The Board of Revenue action of treating applications filed after the judgment of SC in Diamond Industries case held illegal. |
| 002 PTD 1912                      | 2,3, 14 | After considering the scope of term general public and facts of the case, the Hon'ble Supreme Court held that notices issued to hotel for sales tax registration of wine shop are according to law. The term General Public explained.  |
|                                   |         |   |
| 002 PTD 1860                      | 47      | Tribunal to state reasons for disagreement. Case remanded back to Tribunal.   |

## CHART OF WITHHOLDING TAX UNDER THE INCOME TAX ORDINANCE, 2001 PREPARED BY MAJID KHANDWALA, F.C.A.

| I.T.Ord.<br>1979            | 1.T.Ord.<br>2001 | First Sch.<br>Reference | Description   | Obligation of   | Rate   | Comments  |
|-----------------------------|------------------|-------------------------|---|---|--|---|
| 50(5)                       | 148              | Part II                 | Imports   | Collector of Customs                                    | 6% of custom duty<br>and sales tax paid<br>value | Rate reduced to 3% ir case of edible oils   |
| 50(1)                       | 149              | Div. I<br>of Part I     | Salary  | Employer  | Average tax on the estimated salary for the year |   |
| 50(6A)                      | 150              | Div. III<br>of Part I   | Dividend  | Resident company  | 5% in case of public or insurance company        | All dividends are<br>subject to withholding<br>tax including inter-<br>corporate dividends  |
|                             |                  |                         |   |   | 10% in all other cases                           | Rate reduced to 7.5% in case of dividends –   |
|                             |                  |                         |   |   |  | received by a non- resident company from a company engaged exclusively in mining operations other than petroleum  paid by a purchaser of a power project privatized by WAPDA  paid by a |
| e                           |                  | y.                      | *   |   |  | company set up<br>for power<br>generation   |
| 50(2),<br>50(2A),<br>50(7D) | 151              | Div. I<br>of Part III   | Profit on debt (yield/ interest/ discount/ premium, etc.) on –  a) National Savings Scheme (DSCs, SSCs, etc.) | Any payer   | 10%  | No withholding in case of resident individuals if deposits in National Savings Scheme, made on or after July 1, 2001, do not exceed Rs.150,000 or installments in monthly savings       |
|                             |                  |                         | b) An account or deposit maintained with a banking company or   | Banking company and financial institution               | 10%  | schemes do not<br>exceed Rs.1,000 per<br>month  |
|                             |                  |                         | financial institution  c) Security issued by Federal or Provincial Government, local authority                | Federal or Provincial<br>Government, local<br>authority | 20%  | 10% in case of<br>Special US Dollar<br>Bonds purchased by<br>a resident out of  |

| Comments  | Rate   | To noisegildO   | Description  | First Sch.<br>Reference  | .brO.T.1 | Section Section I.T.Ord. |
|---|--|---|--|--------------------------|----------|--------------------------|
| deposits made in foreign currency accounts on or after accounts on or after December 16, 1999  The provisions of this to a person who produces an exemption certificate ection shall not apply to special purpose to special purpose to special purpose of purpose of securitization special purpose of securitization securitization special purpose of securitization special purpose | %0L  | Banking company,<br>financial institution,<br>company or finance<br>society   |  | (р                       | 1007     | 6461                     |
|   | %9L  | Every Person  | ayments to non-residents – Royalty and Fees for Technical Services | q VI.vid<br>I hsq to     | 162      | .(5).63<br>(AE)03        |
|   | %0£  | Every Person  | ) Other payments   | d II.viQ                 |          |                          |
|   |  | Federal Government, AOP company, AOP registered under law, foreign contractor or consortium consultant, consortium or joint venture | Payment to a resident or PE of non-resident on account of –        | f III .viQ<br>III ħs٩ fo | 153      | (4)09                    |
| Deduction of tax is not cases—cases—  a) Where an importer is selling goods in the same condition and has paid tax under section 148 at import stage import stage  b) Refund of security deposit  c) Lease and buyback at attangements  | 1% in case of sale of rice, cotton, cotton seed or edible oils 3.5% in case of sale of any other goods |   | Sale of goods (gross amount payable inclusive of sales tax)        | 8                        |          |                          |
| securitisation of receivables by a Special Purpose Vehicle  |  | Z.  |  |                          |          |                          |
|   | 2% in case of transport services 5% in any other case  |   | b) Rendering of services   |                          |          |                          |
|   | 6% where contract  |   | c) Execution of confracts  |                          |          |                          |

| Section I.T.Ord.               | I.T.Ord. | First Sch.             |   |   | 1999  |   |
|--------------------------------|----------|------------------------|---|---|---|---|
| 1979                           | 2001     | Reference              | Description   | Obligation of   | Rate  | Comments  |
|                                |          |                        | (other than a contract for<br>supply of goods or<br>rendering of professional<br>services)            |   | value exceeds<br>Rs.30 million<br>5% in any other<br>case       |   |
|                                |          |                        | Payment to a non-resident on execution of   | Federal Government,<br>company, AOP<br>registered under law,<br>foreign contractor or<br>consultant, consortium<br>or joint venture |   |   |
| \$ 120 PM                      |          |                        | a) Turnkey contracts  |   | 8%  |   |
|                                |          |                        | b) Contract or sub contract<br>for design, construction<br>or supply of plant or<br>equipment under – | .00   |   |   |
|                                | 7        |                        | <ul> <li>Hydel Power         Project or</li></ul>   |   | 5%  |   |
|                                |          |                        | > Any other power project   |   | 4%  |   |
|                                |          |                        | > Any other contracts   |   | 6% where contract value exceeds Rs.30 million                   | All   |
|                                |          |                        |   |   | *6% where contract<br>value does not<br>exceed Rs.30<br>million | *Seems to be an<br>error, it should have<br>been 5%   |
| 50(5A),<br>50(5AA)<br>50(5AAB) | 154      | Div. IV<br>of Part III | Export proceeds   | Authorised dealer in foreign exchange   | 0.75% of exports<br>listed in Part I of<br>Seventh Schedule     | Clause 14 and 15 of<br>Part II of Second<br>Schedule specify a                                      |
|                                |          |                        | Commission received by export indenting agent or export buying house (clause 5 of Part II of Second   | Authorised dealer in foreign exchange   | 1% of exports listed in Part II of Seventh Schedule             | rate of 0.75% for the following export proceeds –   |
|                                | 37       |                        | Schedule)  Proceeds from sale of goods to an exporter under an  | Banking company   | 1.25% of exports<br>listed in Part III of                       | under a brand<br>name up to five<br>kilograms packs;  |
|                                |          |                        | inland back to back letter of<br>credit or other arrangement<br>as prescribed by the CBR              |   | Seventh Schedule  | <ul> <li>canned and<br/>bottled fish<br/>including sea-foo<br/>and other food<br/>items;</li> </ul> |
|                                |          |                        |   |   |   | precious and<br>semi-precious<br>stones whether<br>uncut, cut, or<br>polished; and                  |
|                                |          |                        | ia.   |   |   | fish and fisheries<br>products packed<br>in retail packs of<br>five hundred                         |

| Se              | ction           |                         |   |  |  |   |
|-----------------|-----------------|-------------------------|---|--|--|---|
| LT.Ord.<br>1979 | LT.Ord.<br>2001 | First Sch.<br>Reference | Description   | Obligation of  | Rate   | Comments  |
| 1919            | 2001            |                         | Indenting commission  | Authorised dealer in foreign exchange  | 10%  | grams to two<br>kilograms   |
| 50(7B)          | 155             | Div. V<br>of Part III   | Rent of immovable property including rent for furniture and fixtures and amounts for related services | Federal or Provincial<br>Government, local<br>authority, company, non-<br>profit organisation or<br>diplomatic mission | 7.5% of the gross<br>rent where annual<br>rent exceeds<br>Rs.100,000                           | The provision of this section shall not apply to a person who produces an exemption certificate   |
| 50(7C)          | 156             | Div. VI<br>of Part III  | Prize bonds, winning from a raffle, lottery or cross-word puzzle                                      | Every person   | 10%  |   |
| 50(4A)          | 233             | Part IV                 | Brokerage or commission   | Federal or Provincial<br>Government, local<br>authority, company,<br>AOP   | 5%   | Withholding<br>equivalent to section<br>50(4A) of the ITO,<br>1979 retained as a<br>transitional provision.<br>Rate of withholding<br>however reduced<br>from 10% to 5% |
| ×.              | 74              |                         |   | 4:   |  | Provision of this section does not apply in case of Payment for securitisation of receivables by a Special Purpose Vehicle  |
| 50(6)           | 234             | Part IV                 | Transport business  | Any person collecting motor vehicle tax  | Various  | Withholding equivalent to section 50(6) of the ITO, 1979 retained as a transitional provision  However, no tax shall be collected for motor cars more than 10 years old |
| 50(7E)          | 235             | Part IV                 | Electricity consumption (by industrial and commercial consumers only)                                 | Preparer of electricity consumption bill   | Various  | Withholding<br>equivalent to section<br>50(7E) of the ITO,<br>1979 retained as a<br>transitional provision  |
| 50(7F)          | 236             | Part IV                 | Telephone users (other than<br>Government, foreign<br>diplomats, diplomatic<br>missions)              | Preparer of teléphone<br>bill or seller of prepaid<br>cards for mobile<br>telephone                                    | 10% in case of mobile phones and prepaid cards  Various in case of other telephone subscribers | Withholding<br>equivalent to section<br>50(7F) of the ITO,<br>1979 retained as a<br>transitional provision  |

Under the savings clause as per section 239(10) of the Income Tax Ordinance, 2001 all SRO's and CBR Circulars issued under the Repealed Income Tax Ordinance, 1979 continue to remain valid unless they are in conflict with the provisions of the Income Tax Ordinance, 2001.

| FUTURE CPE ACTIVITIES |   |                          |   |  |  |  |  |  |
|-----------------------|---|--------------------------|---|--|--|--|--|--|
| DATE                  | SEMINAR/ WORKSHOP   | CHIEF GUEST/<br>SPEAKERS | VENUE   |  |  |  |  |  |
| 23rd July, 2002       | Personal Head/Individual Development.                             | To be announced later    | Conference Hall,<br>Ground Floor,<br>New Income Tax Building, |  |  |  |  |  |
| 12th August, 2002     | Filing of Tax Returns 2002-<br>2003 & Taxation of<br>Salaries (I) | и                        | Karachi.  |  |  |  |  |  |
| 9th September, 2002   | Filing of Tax Returns 2002-<br>2003 & Taxation of<br>Salaries (I) |                          | ű   |  |  |  |  |  |

The Members Assistance Sub-committee claims no responsibility to the correctness of the contents published. The information provided is non-exhaustive and members are advised to refer to the respective documents/case law cited for understanding the issue involved.

## Courtesy

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