

### PROFESSIONAL DEVELOPMENT PROGRAM 2015 (PDP)

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PDP – 2015 – Session 12

#### **FBR's MIND SET FOR TAXPAYERS:**



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#### **SCOPE OF PRESENTATION:**



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#### **SCOPE OF PRESENTATION:**



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# WHO IS NOT **REQUIRED FOR REGISTRATION**?

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#### Requirement of Registration – SECTION 14 of the Sales Tax Act, 1990:

Following persons engaged in <u>making of **taxable supplies** in Pakistan</u>, including zero-rated supplies, <u>in the course or furtherance of any taxable activity</u> carried on by them, are required to be registered:

#### MANUFACTURER not being a Cottage Industry:

whose annual turnover from taxable supplies, made in any tax period during the last twelve months exceeds five million rupees;

- <u>Definition of Cottage Industry (Section 2(5AB))</u>
  Turnover less than Rs.5 million, <u>or</u>
  Annual utility bills (electricity, gas and telephone) less then Rs. 800,000/-
- Serial No. 3 of Table 2 of the Sixth Schedule to the Act exempts Supplies made by cottage industry

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RETAILER who is liable to pay sales tax under the Act or rules made there under, <u>excluding such retailer</u> required to pay sales tax through his electricity bill under sub-section (9) of section 3

#### > IMPORTER

- WHOLESALER (including dealer) and distributor:
- **EXPORTER** who intends to obtain sales tax refund against his zero rated supplies.
- A person required, under any other Federal law or Provincial law, to be registered for the purpose of any duty or tax collected or paid as if it were a levy of sales tax to be collected under the Sales Tax Act, 1990.
- Persons not engaged in making of taxable supplies in Pakistan, if required to be registered for making imports or exports, or under any provisions of the Act, or any other Federal law, may apply for registration.

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#### Registration / Change in Particulars / De-registration – Sales Tax Rules, 2006 – Chapter – I

- Rule 3 Application
- Rule 5 Application for Registration Form STR 1 Jurisdiction / Documents / Biomertic Verification / GPS tagged Photographs etc.
- Rule 5A Temporary Registration
- Rule 6 Compulsory Registration
- Rule 7 Change in Particulars Form STR 1
- Rule 8 Transfer of Registration
- Rule 9 Option to file Application with Commissioner Inland Revenue
- Rule 10 Cancellation of Multiple Registrations
- Rule 11 De-registration

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# Application of Registration under the Sales Tax Act, 1990 read with Rule 5, Sales Tax Rules, 2006:

A person required to be registered under the Act shall **before making taxable supplies**:

- Apply through electronic means through owner, member or director, as the case may be.
- Application shall be made in the form STR-1
- Transmitted electronically or through registered mail or courier service.
- Such application will specify the RTO in whose jurisdiction the registration is sought:

# Application of Registration under the Sales Tax Act, 1990 read with Rule 5, Sales Tax Rules, 2006:

The applicant shall submit through the computerized system the following documents, namely:-

- a. CNIC of all owners, members, partners or directors, as the case may be, and the representative, if any, and in case of non-residents, their passports;
- b. in case of a company or registered AOP, the Registration or Incorporation Certificate, along with Form III or Form A as prescribed in the Companies Ordinance, 1984 (XLVII of 1984);
- c. in case of a partnership, the partnership deed;
- d. bank account certificate issued by the bank in the name of the business;
- e. lease or rent agreement, if the premises is on rent, along with CNIC of the owner of the premises;

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# Application of Registration under the Sales Tax Act, 1990 read with Rule 5, Sales Tax Rules, 2006:

- f. ownership documents of the premises, such as registered sale deed or registered transfer deed;l
- g. attested utility bills (electricity, gas, land-line telephone, and post-paid mobile phones, as the case may be);
- h. list of machinery installed in case of manufacturer;
- i. distribution certificate from the principal showing distributorship or dealership, in case of distributor or dealer;
- j. balance sheet/statement of affairs/equity of the business;
- k. particulars of all branches in case of multiple branches at various locations; and
- I. particulars of all franchise holders in case of national or international franchise.

## Application of Registration under the Sales Tax Act, 1990 read with Rule 5, Sales Tax Rules, 2006:

Criteria for Jurisdiction:

- (a) In case of Listed ot Unlisted PUBLIC COMPANY  $\rightarrow$  Place of Registered Office
- (b) In case of a corporate or non-corporate person, having a single manufacturing unit or business premises, the Regional Tax Office or Large Taxpayers Unit, as the case may be, in whose jurisdiction the manufacturing unit or business premises is actually located; or
- (c) in case of a corporate or non-corporate person, having multiple manufacturing units or business premises, the Board may decide the place of registration of such persons.

## Process of Registration under the Sales Tax Act, 1990 read with Rule 5, Sales Tax Rules, 2006:

- (a) BIO-METRIC Verification
- (b) GPS-Tagged Photographs etc.
- (c) Un-sold stock U/s. 59 STR-4 to file alongwith application
- (d) Case may be sent to CIR in case of application is found to be high risk
- (e) Particulars of application can be revised
- (f) In case of application as MANUFACTURING who is sharing the premises, evidence of demarcation and installation of sub-meter shall be provided if separate meter is not available

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#### 5A. Temporary registration

- Person applying as a Manufacturer without having installed machinery, for the purpose of import of machinery to be installed by him, temporary registration shall be allowed to him for a period of 60 days subject to furnishing of the complete list of machinery to be imported along with Bill of Lading (BL) or Goods Declaration (GDs).
- Temporary registration <u>shall be issued within 72 Hours</u> of filing of the complete application.
- After receiving temporary registration, the person shall be allowed to import plant, machinery and raw materials, etc. as a manufacturer, subject to submission to the customs authorities of a post-dated cheque equal to the difference in duties and taxes to be availed as a manufacturer.

#### 5A. Temporary registration

- In case the requirements prescribed in clause (h) of sub-rule (1A) and sub-rule (1B) of rule 5 are not fulfilled within sixty days of issuance of the temporary registration, such temporary registration shall be disabled and the post-dated cheques submitted shall be encashed.
- A person holding temporary registration <u>shall file monthly return in the form</u> <u>STR-7</u>, but shall not issue a sales tax invoice and if such invoice is issued, no input tax credit shall be admissible against such invoice.
- No sales tax refund shall be paid to the person during the period of temporary registration and the amount of input tax may be carried forward to his returns for subsequent tax periods.

#### **Change in Particulars:**

#### 7. Change in the particulars of registration

- In case there is a <u>change in the name</u>, <u>address</u> or <u>other particulars</u> as stated in the registration certificate, the registered person shall notify the change in the Form STR-I to the computerized system, <u>within 14 days of such change</u>.
- The <u>change of business category</u> as 'manufacturer' shall be allowed subject to fulfillment of all applicable requirements as specified in rule 5.
- In case of approval of the change applied for, <u>a revised registration</u> <u>certificate shall be issued</u> through computerized system, which shall be effective from the date the person applied for the change.
- The Commissioner may, based on available information or particulars and after making such inquiry as he may deem necessary and after providing reasonable opportunity of being heard to a person, by an order in writing, make modifications in registration of the person.

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#### **Process of Registration:**



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#### **Compulsory Registration:**

#### **Compulsory Registration – Rule 6, Sales Tax Rules, 2006**

- An <u>authorized officer</u>, if <u>satisfied</u> that any person is <u>required to be registered</u> under the Sales Tax Act, 1990, he may compulsorily register any person.
- An **opportunity of being heard would be provided** before compulsorily registration.
- Registration certificate should be delivered to the said person.
- A person registered compulsorily is <u>required to</u>
  - <u>Comply</u> with all the provisions of the Act and rules from the date of compulsory registration.
  - <u>Otherwise</u> the Commissioner may take any action required under the law against such person

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#### **Compulsory Registration:**

#### **Compulsory Registration – Rule 6, Sales Tax Rules, 2006**

If <u>subsequently</u> established that:

- such person was not liable to be registered the CRO, shall <u>cancel his</u> registration.
- In case of <u>cancellation of registration</u>, such person shall <u>not be liable to</u> <u>pay</u>
- •
- <u>Any tax, default surcharge or penalty</u> under the Act or rules made there under.
- Sales tax <u>collected excess</u> payable (Section 3B)

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#### **De-registration:**

# DE-REGISTRATION

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#### **De-registration:**

#### **De registration – Sales Tax Act, 1990 – Rule 11**

- A registered person may apply for cancellation of his registration who:
  - ceases to carry on his business
  - whose supplies become exempt from sales tax
  - whose total taxable turnover during the last twelve months remains below the limit specified (Cottage industries and retailers)
- The LRO on request or on its own initiative may recommend to the CRO to cancel the registration of a registered person on said reasons <u>within three</u> <u>months of application</u> and/or on the date of deposit of outstanding due (if any), and on the reason that:
  - A registered person fails to file tax return for six consecutive months

#### **De-registration:**

#### **De registration – Sales Tax Act, 1990**

- An audit or inquiry shall be conducted upon the application to ascertain the tax liability (in any).
- All outstanding liability should be discharged before de registration
- Filing of normal returns not required after filing of application of deregistration (CBR letter dated June 07, 2003)
- Final sales tax return would be filed for discharging outstanding liabilities, if any (section 28)
- De-registration effective from the date of deregistration mentioned by the CRO or the date of filing of final sales tax return, whichever is the later.

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#### **Debit / Credit notes:**

# DEBIT / CREDIT NOTES

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# Debit / Credit Notes – Section 9 of the Sales Tax Act, 1990 read with Chapter – III of Sales Tax Rules, 2006

• **9. Debit and credit note.** – Where a registered person has issued a tax invoice in respect of a supply made by him

<u>and</u>

as a result of cancellation of supplyOrreturn of goodsOra change in the nature of supplyOrchange in the value of the supplyOrsome such event the amount shown in the

some such event the amount shown in the tax invoice or the return needs to be modified

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### Debit / Credit Notes – Section 9 of the Sales Tax Act, 1990 read with Chapter – III of Sales Tax Rules, 2006

- Rule 19 Application
- Rule 20 Cancellation of return of Supply
- Rule 21 Change in Value of Supply or Amount of Sales Tax
- Rule 22 Adjustment of Input and Output Tax

#### Debit / Credit Notes in Sales Tax Return

**Debit or credit note** may be issued to reduce or increase the amount of sales tax payable on a supply if the amount originally charged has changed because of return of goods or for some other valid reason

Where a registered person has made a supply, and such supply or part thereof is cancelled or returned, the buyer or the recipient shall issue a debit note <u>(in duplicate)</u> in respect of such supply or part thereof, indicating the quantity returned or the supply of which has been cancelled,

#### Debit / Credit Notes in Sales Tax Return

its value determined on the basis of the value of supply, as shown in the tax invoice issued by the supplier and the amount of related sales tax paid thereon. In such a situation, the supplier shall issue a credit note with the following particulars.

- i. Name and registration number of supplier
- ii. Name and registration number of recipient.
- iii. Number and date of original Sales Tax invoice.
- iv. The original value and Sales Tax as in original invoice.

#### Debit / Credit Notes in Sales Tax Return

v. The revised value and Sales Tax.

vi. The difference of value and Sales Tax adjustable.

vii. The reason for revision of value; and signature and seal of authorized person issuing the note.

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#### **Sales Tax Returns:**

# SALES TAX RETURNS

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#### **Sales Tax Returns:**

- □ Single sales tax return STR-7 for registered person
- A return is required to be e-filed monthly
- Due date for payment is 15<sup>th</sup> day of month following the tax period
- Due date for e-filing is 18<sup>th</sup> day of month following the tax period
- Due date for CNG Stations & Special Procedure for Payment of Extra Sales Tax of Specified Goods listed under Chapter XIII under Special Procedure Rules, 2007 is 15th day of month following the quarter end
- Payments shall be deposited before due date of filing of return
- In case of <u>no activity a Null return</u> will be e-filed
- Separate returns in case of change in rate of tax during tax period
- Revised return may be filed within 120 days subject to approval of Commissioner
- All registered private or public limited companies are required to file an annual return, by 30<sup>th</sup> September of the relevant financial year.

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**Revision of Sales Tax Returns:** 

# REVISION OF SALES TAX RETURNS

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#### **Revision of Sales Tax Returns:**

According to Sub-section (3) of Section 26 of the Sales Tax Act, 1990:

- A registered person may, <u>subject to approval of the Commissioner</u> <u>Inland Revenue having jurisdiction</u>, file a revised return <u>within one</u> <u>hundred and twenty days</u> of the filing of return under sub-section (1) or, as the case may be, subsection (2) or under clause (a) or clause (b) of Section 27, to correct any omission or wrong declaration made therein.
- An application for revision of the sales tax return under the Sales Tax & Federal Excise Act, 2005 may be e-filed on the FBR web portal.

#### **Revision of Sales Tax Returns:**



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**Recovery of Arrears – Section 48:** 

# RECOVERY OF ARREARS OF TAX

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#### **Recovery of Arrears – Section 48:**

- **48.** Recovery of arrears of tax.--(1) [Subject to sub-section (1A), where] any amount of tax [...] is due from any person, the officer of [Inland Revenue] may:-
- (a) deduct the amount from any money owing to person from whom such amount is recoverable and which may be at the disposal or in the control of such officer or any officer of Income Tax, Customs or Central Excise Department;
- (b) require by a notice in writing any person who holds or may subsequently hold any money for or on account of the person from whom tax may be recoverable to pay to such officer the amount specified in the notice;
- (c) stop removal of any goods from the business premises of such person till such time the amount of tax is paid or recovered in full;

#### **Recovery of Arrears – Section 48:**

- [(ca) require by a notice in writing any person to stop clearance of imported goods or manufactured goods or attach bank accounts;]
- (d) seal the business premises till such time the amount of tax is paid orrecovered in full;
- (e) attach and sell or sell without attachment any movable or immovable property of the registered person from whom tax is due [; and]
- (f) recover such amount by attachment and sale of any moveable orimmovable property of the guarantor, person, company, bank or financial institution, where a guarantor or any other person, company, bank or financial institution fails to make payment under such guarantee, bond or instrument.]
#### **Recovery of Arrears – Section 48:**

#### Recovery – Sales Tax Rules, 2006 – Chapter – XI

Rule – 70 – Application

•

- Rule 71 Initiation of Recovery Action
- Rule 72 Stoppage of Clearances and sealing of Business Premises
- Rule 73 Demand Note
- Rule 74 Attachment and Sale of Property
  - Rule 75 Master Register to be maintained
  - Rule 76 Power to require information to be furnished
  - Rule 77 Mode of Service of Notice
  - Rule 78 Disposal of Proceeds of execution
    - Rule 79 Ruling regarding Disputed Matters
  - Rule 80 Property liable to attachment and sale in execution
    - Rule 81 Objections and Investigations, thereof
    - Rule 82 Removal of attachment on satisfaction of cancellation of a demand Note
- Rule 83 Officer entitle to attach and sale
  - Rule 84 Adjournment or stoppage of sale
- Rule 85 Defaulter not to interfere with attached property
- Rule 86 Prohibition against bidding or purchase by officer
- Rule 87 Assistance for action

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**Recovery of Arrears – Section 48:** 

Rule – 71:

#### Initiation of recovery action-

<u>On expiry of thirty days from the date on which the Government dues are</u> <u>adjudged</u>, the referring authority shall deduct the amount from any money owing to the person from whom such amount is recoverable and which may be at the disposal or in the control of such officer.

In case the Government dues are not fully recovered under sub-rule (1); the referring authority may,--

Inter Departmental Recovery with the copy to the defaulter; From any person holding money of defaulter

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#### **CREST**:

# (Computerized Risked-based Evaluation of Sales Tax)

CREST

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#### **CREST:**

#### CREST IS DESIGNED TO DETECT DISCREPANCIES IN :

- PURCHASES
- ZERO RATED SALES
- SECTION 8B
- EXPORTS
- COMMERCIAL IMPORT

**CREST** is a system <u>to analyze</u> and <u>cross match tax</u> <u>returns of buyers</u> <u>and suppliers</u>. This system checks the information contained in monthly returns, customs import and export data and cross matches each other for every registered person. Any exceptions pointed out by the system will be conveyed electronically to the concerned registered person who in turn can explain the position through attaching the supporting documents.

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#### **Purchases:**

Input tax adjustment of buyer which is cross matched with their suppliers' returns and Customs import data. Excess input adjustment of buyer is highlighted.

#### **Zero Rated Sales:**

System segregates zero rated sales made to registered person with non - active status in ATL or blacklisted or suspended.

#### Section 8B:

Under Section 8B, there are certain restrictions on the input tax credit. However there are different categories of registered persons, who have been excluded from these restrictions. The system checks from returns whether a person claiming exemption from section 8B has rightly done so under the relevant Notification.

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#### **Exports:**

In order to protect the genuine exporters, system points out any person who is claiming export in the return which is not matched with the Customs export data.

#### **Commercial Imports:**

Any registered person who is a not a manufacturer and also not paying value addition tax on imports.

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#### Login Screen:

#### URL https://e.fbr.gov.pk - Enter User ID and Password and then login



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Screen:

#### Click CREST in Menu Bar to review Discrepancies



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#### Screen

CREST, after entering or click All to review discrepancies report

<b>REST</b>	Computerized Risk-Based Evaluation of	f Sales Tax	FBR	Sign Out
Taxpayer Summary:		Taxpayer Discrepancy		
N	V NTN:	Nutrial Names		
Tax Period: ALL ALL 201211 Sales Tax des 201210	s have been found in the followings:	Registered Person:	7	View Report Amount in Rs.
201209 201209 201208 201207	whave been round in the followings.			

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#### Report Screen

#### Discrepancies Report for All Periods and All Categories

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201209	1,779,520,808	13,721,302			4,034,597	0	8,692,470	0		0 0		<u>o</u> <u>o</u>	1,792,247,875	13,721,302
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#### Screen

Purchase Discrepancies - Selecting Values/Tax, leads to the Cross Matching invoice summary

RE	<u>S</u>	Compute Risk-Ba		valu	ation o	of Sa	ales Ta	X	F	BR				Sign Out
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Sales Tax d	escripencies	have beer	n found in	the f	ollowings								Anto	une m K3.
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terror and the second										and the second second second	the second s	1		
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	and the second se	17,504,589		<u>0</u>					Value	0	2 0	<u>0</u>		Tax 17,504,589
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#### **CREST, Screen**

#### CREST, Purchase Discrepancies; Detail Summary page;

Computerized REST FB **Risk-Based Evaluation of Sales Tax** Taxpayer Discrepancy

Invoice Summary Cross-matching:

	Particular Of Suppliers			0	Declaratoin Of Suppliers			Declaration Of B	luyer	Differen			
Sr No	NTN	Name	Rtn Sts	Inv	Value	Sales Tax	Inv	Value	Sales Tax	Inv	Value	Sales Tax	
1	TAXABLE .	A REAL PROPERTY OF A REAL PROPER	Non-Filers				4	51,611,620	6,963,822	4	51,611,620	6,963,822	Feed Bac
2	110000	AND TO MANY AND A	Non-Filers		1		13	17,566,386	2,810,621	13	17,566,386	2,810,621	Feed Bac
з	instant!	ADDRESS BRIDE WELFTER	Non-Filers				4	17,169,315	2,747,090	4	17,169,315	2,747,090	Feed Bac
4		ten in the states of the second	Filer	3	453,300	72,528	2	5,680,000	908,800	o	5,226,700	836,272	Feed Bac
5		Internet in the local division of the local	Non-Filers	Ú III			7	3,297,153	527,545	7	3,297,153	527,545	Feed Bac
6			Filer	7	6,535,593	1,045,696	13	9,108,664	1,457,387	6	2,573,071	411,691	Feed Bac
7		storing the later with	Non-Filers				8	2,513,801	402,208	8	2,513,801	402,208	Feed Bac
8		COMPLEX STREAM STREAM	Null-Filers				199	6,511,935	263,730	199	6,511,935	263,730	Feed Bac
9		AND DESCRIPTION OF THE OWNER.	Filer	9	9,071,538	1,451,446	12	11,593,938	1,709,253	з	2,522,400	257,807	Feed Bac
10			Non-Filers				12	2,274,559	248,128	12	2,274,559	248,128	Feed Bac
11	Canada and C	Hard and the result of the second sec	Filer				22	1,412,295	208,792	22	1,412,295	208,792	Feed Bac
12		ALL DEPARTMENT OF SHE	Null-Filers				11	1,271,200	203,392	11	1,271,200	203,392	Feed Bac
13		bit mid here - it hitsen	Non-Filers				7	1,082,881	173,261	7	1,082,881	173,261	Feed Bac
14		AND STREET, LABORATER,	Non-Filers				10	1,020,708	163,313	10	1,020,708	163,313	Feed Bac
15			Non-Filers				4	1,043,709	162,667	4	1,043,709	162,667	Feed Bac
16	*******	AND THE REPORT OF THE	Non-Filers				1	730,160	116,826	1	730,160	116,826	Feed Bac
17			Null-Filers	0		(	60	616,226	91,760	60	616,226	91,760	Feed Bad
18	100.000	Street and the second second	Filer				21	494,734	75,663	21	494,734	75,663	Feed Bag

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Sign Out

#### CREST, Screen

CREST, Selected period, buyer's NTN and Name is displayed at the top of the list.

The screen is divided in five sections. Particulars of seller which include NTN, Name and Status are displayed in first section. Status of the supplier can be filer/non - filer/null filer.

In the corresponding sections, No of invoices, value and amount of sales tax paid based on invoices of both the seller and the buyer after cross matching is displayed.

In the next section difference of Number of invoices, value and amount of sales tax paid is shown

#### CREST, Screen

Illustration of detailed purchased report.

<b>REST</b>	Computerized Risk-Based Evaluation of Sales Tax	FBR	Sign Out
Invoice DetailLabel:	Taxpayer Discrepancy		
Invoice Detailabel.			

All Filter Data Feed Back Back
All Filter Data Feed Datk Datk

£	Suppliers' Declation :						Buyer's Decla		Difference (Buyer Decl - Supplier Decl)			
Slet	Inv	Date	Туре	Value	ST	Inv	Date	Туре	Value	ST	Value	ST
	5091	31-JUL-12	Sale Invoice	14,625	2,340	5091	31-JUL-12	Purchase Invoice	256,950	41,112	242,325	38,772
	5048	17-JUL-12	Sale Invoice	435	70	5048	17-JUL-12	Purchase Invoice	189,300	30,288	188,865	30,218
	5024	11-JUL-12	Sale Invoice	2,175	348	5024	11-JUL-12	Purchase Invoice	187,325	29,972	185,150	29,624
						5068	24-JUL-12	Purchase Invoice	183,850	29,416	183,850	29,416
3	5055	20-JUL-12	Sale Invoice	42,710	6,834	5055	20-JUL-12	Purchase Invoice	213,400	34,144	170,690	27,319

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#### Feedback Screen

REST	Comp Risk-			on of Sale	s Tax	ł	F					Sign C
i Back:				Тахрауе	er Discre	epan	icy					
Suppliers' NTN / Business Name:			100001-000000				Tax P	eriod: <mark>2012</mark> :	10		×	* = Required Fiel
		Particula	ar and declarato	in of Supplier	d	eclar	ation of Buy	yer	Diffen	ence (Buye	r Decl - Sup	plier Decl)
	Rtn Sts	Inv	Value	Sales Tax	Ir	nv V	/alue	Sales Tax	Inv	Value		Sales Tax
	Non-Filers		o		o	2	153,250	24,520		2	153,250	24,5
* Response: * Remarks:				×						<		
Attachment:	1 <u>RPO</u>	echment Na BLOCK.mr Back	1	ize (KBs) R 8.02	emove O			e 		2		

M. M. Merchant & Company

M. Zeeshan Merchant

# Thank you

#### **Presentation by:**

## MUHAMMAD ZEESHAN MERCHANT M. M. MERCHANT & COMPANY

#### (Advocate High Court &

Former Honorary General Secretary, Karachi Tax Bar Association)

AT

### Karachi Tax Bar Chamber

**DECEMBER 09, 2015** 

M. M. Merchant & Company