

Course Facilitator:

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(Manager – Business Tax Services)
09 January 2019 (2:00 PM to 5:00 PM)



Course Outline

- ► Fundamental/General Principles of Sales Tax;
- ► An Overview of Sales Tax in Pakistan;
- ► Sales Tax Registration / Deregistration;
- ► Filing of Sales Tax (Goods / Services) Return, and;
- Withholding of Sales Tax (Goods / Services) Statements



Abbreviation	S
FBR	The Federal Board of Revenue
SRB	The Sindh Revenue Board
PRA	The Punjab Revenue Authority
KPRA	Khyber Pakhtunkhwa Revenue Authority
ST Act	The Sales Tax Act, 1990
ST Rules	The Sales Tax Rules, 2006
FE Act	The Federal Excise Act, 2005
FE Rules	The Federal Excise Rules 2005
PST Ordinances	The Provincial Sales Tax Ordinances, 2000
Sindh Act	The Sindh Sales Tax on Services Act, 2011
Sindh Rules	The Sindh Sales Tax on Services Rules, 2011
Punjab Act	The Punjab Sales Tax on Services Act, 2012
Punjab Rules	The Punjab Sales Tax on Services Rules, 2012
KPK Act	The Khyber Pakhtunkhwa Finance Act, 2013
BST Act	The Baluchistan Sales Tax on Services Act, 2015
FED	Federal Excise Duty
GST	Sales Tax on Goods Under ST Act
Services ST	Sales Tax on Services

Fundamental Principles

VAT is:

- ► An indirect tax
- ► A consumption tax
- ► General Sales tax (Extra Tax, Further Tax)
- ► Tax on Value Addition

Duty is:

- ► Customs Duty
- ► Regulatory Duty
- ► Federal Excise Duty



Company A Ltd			
Sales	100,00		• Indirect tax
VAT 19%	19,00	Output VAT	
		\$19,00	
	119,00	, ,	
Company B Ltd			
Sales	120,00		
VAT 19%	22,80		 Consumption tax
Output VAT	142,80		
Output VAT Input VAT	22,80 (19,00)		Credited at each stage
iliput vai	3.80	Output VAT	• Credited at each stage
	0,00		
		\$3,80	
Consumer			
Purchase from B	120,00		
Ltd	•		
VAT 19%	22,80		 Non-adjustable tax
Total	142,80		

An Overview of Sales Tax in Pakistan

- Under the Constitution of Pakistan sales tax on goods is a Federal subject and sales tax on services is a Provincial subject.
- Sales tax on goods is governed by the Sales Tax Act 1990 (ST Act) which is applicable for the whole of Pakistan.
- Certain services are taxable under the Federal Excise Act, 2005 (FE Act).
- Sales tax on services was previously applicable under the Provincial Sales Tax Ordinances 2000 (PST Ordinances) of each Province i.e.-
 - 1. Sindh 2. Punjab 3. Khyber Pakhtunkhwa (KPK)
 - 4. Baluchistan 5. Islamabad Capital Territory (ICT).
- The Federal Board of Revenue (FBR) is authorized for administration and collection of Federal taxes and duties including sales tax under ST Act and FE under the FE Act.
- Provinces had also authorized FBR for sales tax on services under the PST Ordinances.

KTBA - PDP 2018 (Class 9)

An Overview

Sales Tax On Services In Pakistan - Cont'd

The Provinces of Sindh, Punjab, KPK and Balochistan have also established their own administration and collection authorities namely-

- Sindh Revenue Board (SRB)
- Punjab Revenue Authority (PRA)
- Khyber Pakhtunkhwa Revenue Authority (KPRA)
- Balochistan Revenue Authority (BRA)
- Federal Board Revenue (FBR)

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An Overview

Sales Tax On Services In Pakistan

The Provinces of Sindh, Punjab, KPK, Balochistan have issued their own full-fledged sales tax on services Acts by repealing respective PST Ordinances whilst services are subject to sales tax under the Islamabad Capital Territory Ordinance -

The Sindh Sales Tax on Services Act 2011 (Sindh Act), from 01 July 2011

The Punjab Sales Tax on Services Act 2012 (Punjab Act) from 01 July 2012

The Khyber Pakhtunkhwa Finance Act 2013 (KPK Act) from 01 July 2013

The Balochistan Sales Tax on Services Act, 2015 (BSTS Act) from 1 July 2015

The Islamabad Capital Territory Ordinance, 2001 (ICT Ordinance) from 18 August 2001 (extended in 2015)



An Overview

Sales Tax on Goods and Services in Pakistan

Goods

All goods are taxable unless specifically mentioned as exempt.

Services

On the contrary, only services specifically mentioned as taxable services are taxable.

General – Rate of Sales Tax on Services

Under Federal & Provincial Sales Tax Laws

Tax Jurisdiction	Standard Rate	Higher Rate	Lower Rate
Sindh	13%	19.5%	3%
Punjab	16%	19.5%	5%
KPK	15%	19.5%	5%
Baluchistan	15%	19.5%	Nil
ICT (STS/FED)	16%	19.5%	5%



Input Tax Adjustment- General Provisions Under the Federal Law – Section 7 of the ST Act

- ► A registered person shall be entitled to deduct input tax paid or payable during a tax period:
 - ► For the purposes of taxable supplies or services made or to be
 - Input tax shall be adjusted from the output tax due in respect of taxable goods supplied or taxable services rendered during that tax period.
 - ▶ Subject to provisions of Section 73, 8, 8B of ST Act.
 - "Input tax not claimed in the relevant tax period may be adjusted in the return for any of the six succeeding tax periods"

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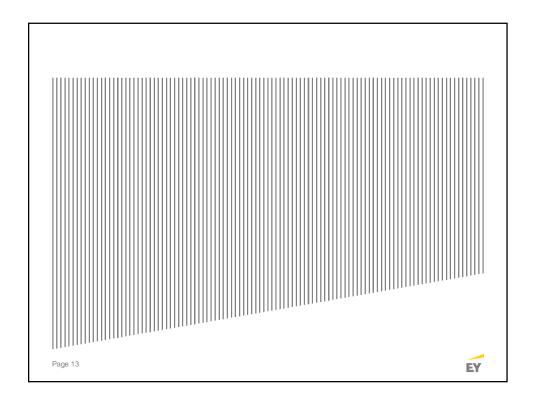


Determination of Tax Liability Rules for Adjustment under the Sindh, Punjab and KPK Acts

A registered person shall be entitled to deduct/ adjust input tax paid during the relevant tax period -

- for the purchase of goods or services used or consumed in providing or rendering of taxable services
- holds a tax invoice in his name.
- bearing his sales tax registration /NTN,
- "Input tax not claimed in the relevant tax period may be adjusted in the return for any of the six succeeding tax periods"
- All input tax adjustments are subject to the restrictions/limitations provided under Section 15A of Sindh Act and 16B of Punjab Act and allied rules.







REGISTRATION (FBR) – SECTION 14

Compulsory Registration

- A person liable to be registered but not obtained registration
- CIR will register the person by providing opportunity and passed Order in this regard

Voluntary Registration

- A person liable to be registered obtained registration by filing voluntary application.
- The person has fulfilled all the requirements of documentation/verification at the time of registration.

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REGISTRATION (FBR) – SECTION 14

The following persons, engaged in making taxable supplies in Pakistan, are liable to obtain registration:

- A manufacturer who is not running a cottage industry
- A retailer who is liable to pay sales tax excluding retailer who is required to pay sales tax through electricity bill under Section 3(9)
- An importer
- An exporter
- A wholesaler, dealer, or distributor



REGISTRATION REQUIREMENTS – RULE 5

- A person is required to apply for sales tax registration online on IRIS portal through owner, authorized member or partner or authorized director at relevant jurisdiction.
- Jurisdiction:

Listed Companies	Registered Office
Company engaged in manufacturing	Factory
Company / Person (not incorporated) engaged in other business activity	Main business activities carried on
Person (not incorporated) engaged in manufacturing and other business activity	Factory

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REGISTRATION REQUIREMENTS – RULE 5

CNIC of resident owners, partners, or directors	Distribution Certificate
Passport of non-resident owners, partners, or directors	Financial Statements
Incorporation Certificate along with Form III for company	Particulars of all branches
Certificate for registered partnership	Biometric Verification
Partnership Deed	Physical Verification of Premises
Bank Account Certificate	Demarcation of manufacturing premises (shared premises)
Rent Agreement / Ownership Document	Installation of sub-meter (shared premises)
Latest Utilities Bills	List of Machineries (for Manufacturer)



TE	MPORARY REGISTRATION - RULE 5A
	Filing of application for temporary registration [TR] as manufacturer without machinery for the purpose of importing machinery
	Permission of TR for 60 days subject to submission of list of machineries alongwith ${\rm BL}{\rm or}{\rm GD}$
	Completion of TR process within 72 Hours after filing of complete registration application
	After permission of TR, imports will be allowed subject to submission of post dated cheque equal to the difference in duties and taxes paid as manufacturer
	Required to file return
	Not allowed to issue sales tax invoice. If issued, then no input tax will be allowed against such invoices.
	No refund will be allowed but carry forward of input tax will be
Page 19	allowed.

DE-REGISTRATION - RULE 11

Filing of De-registration Application by RP

- □ Registered person, who ceases to carry on his business or whose supplies become exempt from tax, apply with Commissioner on application in Form STR-3 through computerized system
- ☐ Upon completion of any audit proceedings, Commissioner may direct the applicant to discharge any outstanding liability
- ☐ Commissioner is required to pass order within 90 days of such application

Non Filing of return for Six Consecutive Months

☐ Commissioner, after issuing for providing opportunity of being heard, may pass order for de-registration



REGISTRATION - SECTIONS 24, 24A, & 24B

- Registration as per law
- Person is required to be registered who is:
 - o Resident
 - Providing any services listed in the Second Schedule
 - Fulfilling any other criteria mentioned by SRB.
- Deemed Registered Person

A person who receives a service, which is a taxable service by virtue of Section 3(2) and is not registered for the tax period in which such person:

- o Receive the service
- o An invoice is issued
- Consideration is paid, whichever is earlier
- SRB will publish a list of registered person on web site

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REGISTRATION - SECTIONS 24, 24A, & 24B

Voluntary Registration

A person who carries on an economic activity but is not required to be registered can apply for voluntary registration at any time.

□ Compulsory Registration

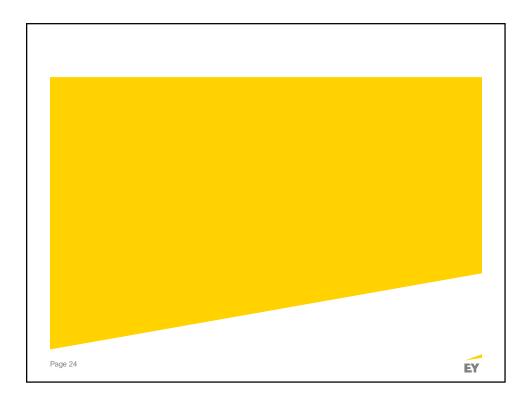
SRB officer can register the person through order in writing after providing an opportunity of being heard by issuing a notice.

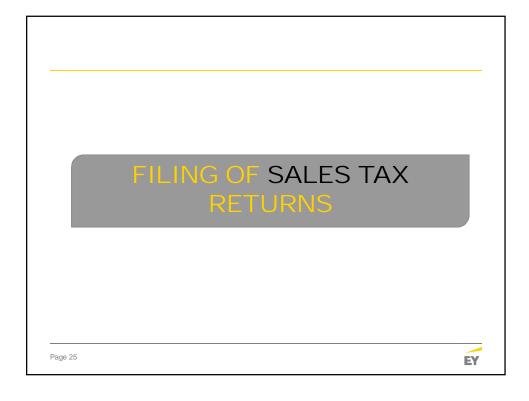


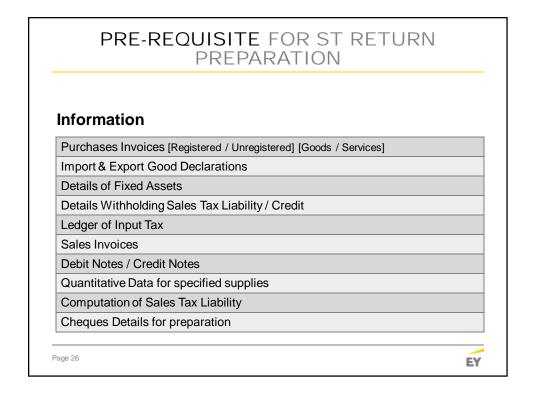
DE-REGISTRATION - SECTION 25A

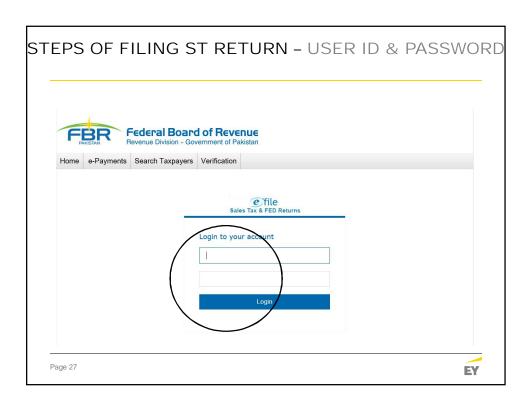
- ☐ Any registered person or officer of SRB may apply for deregistration by through an application for the cancellation of the registration on the prescribed Form i.e. SST-2
- ☐ After receiving application for de-registration, SRB may conduct audit and de-register the registered person within three months from the date of receipt of the application.

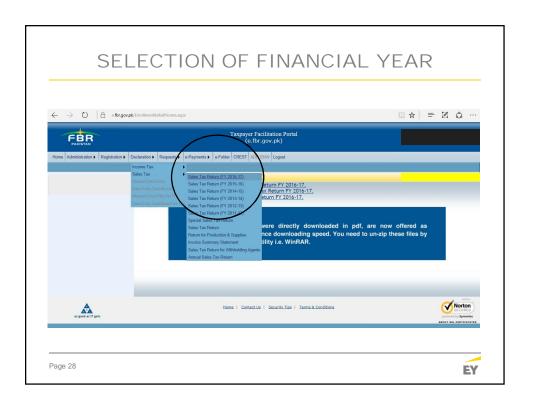


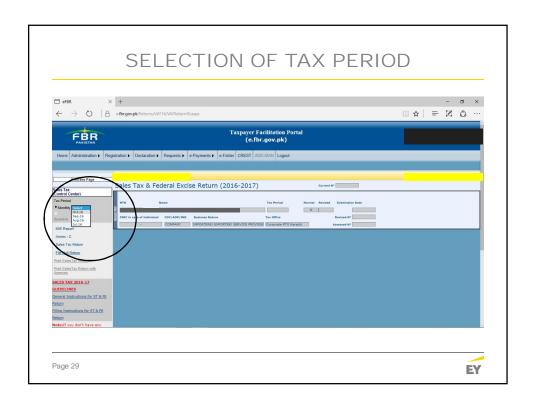


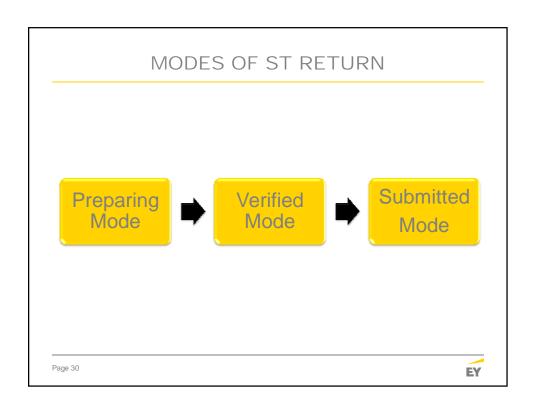


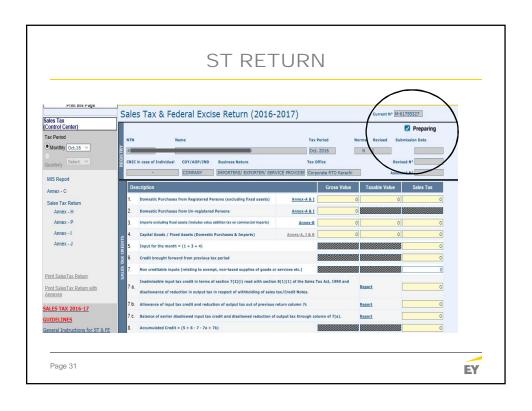


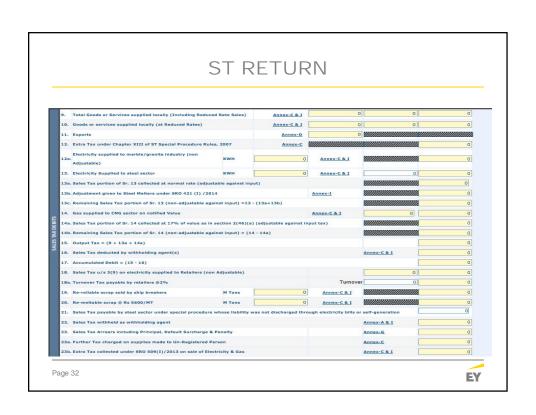




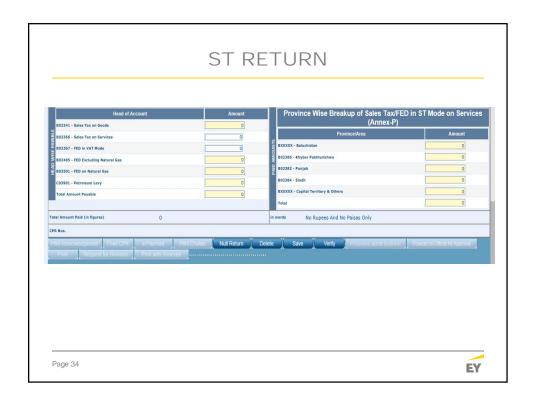


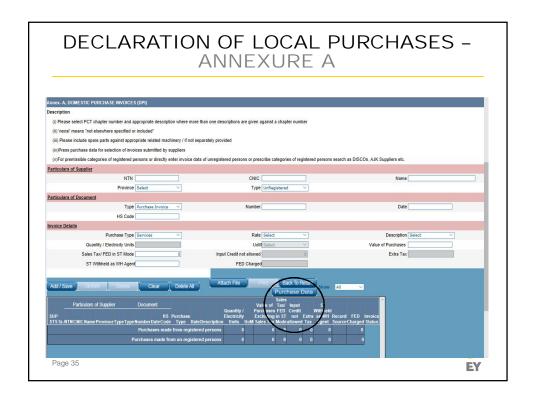


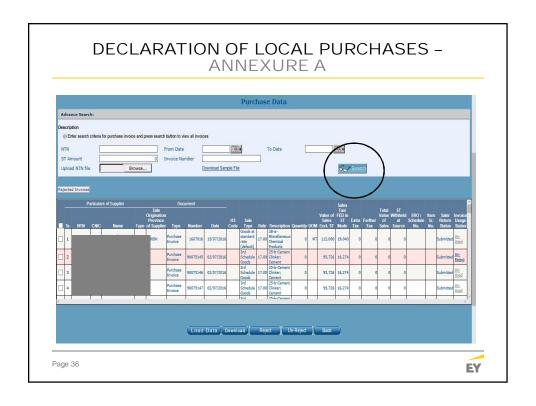


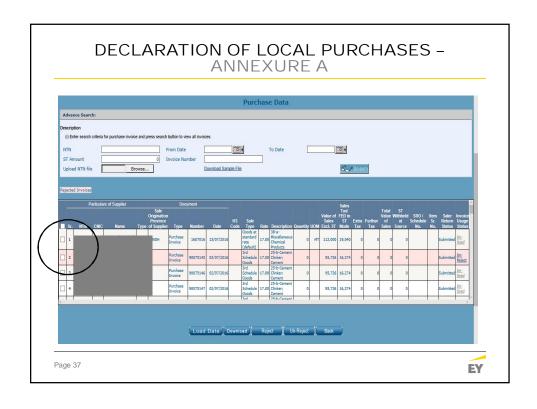


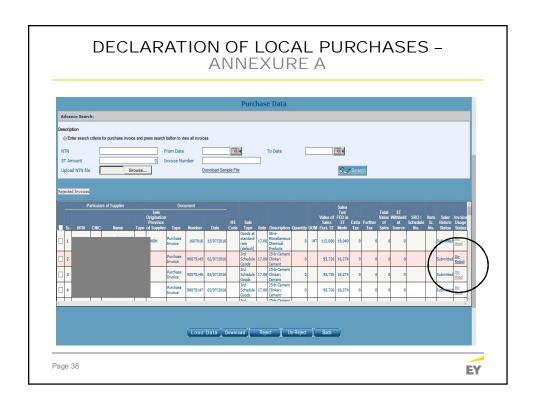
		T RETUR	1 4		
	24. Whether exclude from Section 88(1), under SRO 647(I)/2007	●No ○Yes (Select reason =>)	Select	V	
	25. Admissible Credit [if 24 = Yes then 8; if 24 = No, then (least of (8-4) or "90	% of 15" or 17} + {if (8-4) < "90% of 15" then	4; otherwise zero)]		0
	26. Excess Unadjusted Credit [if 24 = Yes and 25 > 17 then (25 - 1)	7); otherwise zero; if 24 = No then (8 -	25)]		0
	27. Credit Carried forward on account of Value Addition Tax		A	nnex-F	0
	8. Unadjusted Credit Available for the purpose of refund = (26 - 27)				0
ABLE	9. Refund Claimed (Provide Stock Statement as Annex-H now, or file it later as per rules)				0
REFUNDA	0. Credit to be carried forward [if 28 > 29, then [(28 - 29) + 27]; otherwise 27]				0
/ REF	31. Federal Excise Duty (FED) Drawback		A	nnex-E	0
ABILE,	32. Sales Tax Payable [if 17 > 25 then (17 - 25); otherwise zero] +	[12 + 12a + 13c + 14b + 18 + 18a + 19	9 + 20 + 21 + 22 + 23 + 23	a + 23b]	0
PMM	33. Federal Excise Duty (FED) Payable (Incl. FED ⊕ Rs.1KG on Loca	lly Produced Oil, from Annex-A)	A	nnex-E & A	0
	34. Petroleum Levy (PL) Payable				0
	35. Total amount to be paid = (32 + 33 + 34)				0
	36. Tax paid on normal/previous return (applicable in case of revis	ed return)			0
	37. Balance Tax Payable/ (Refundable) (35 - 36)				0
	38. Select bank account for receipt of refund	6001010000000053-INDUSTR	IAL AND COMMERCIAL	BANK OF CHINA -	KARACI Y

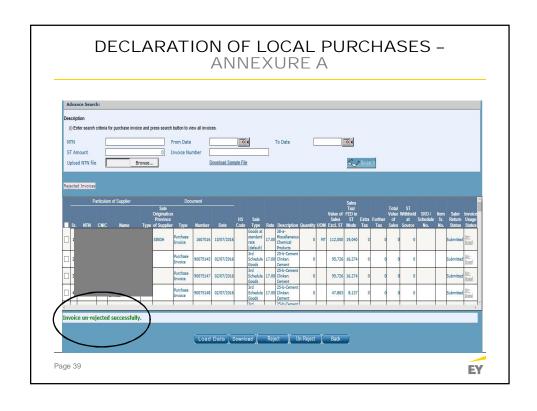


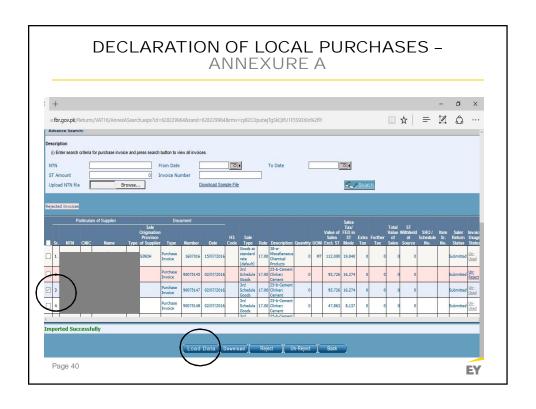


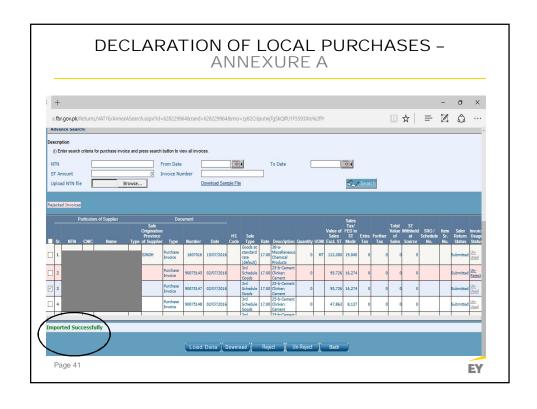


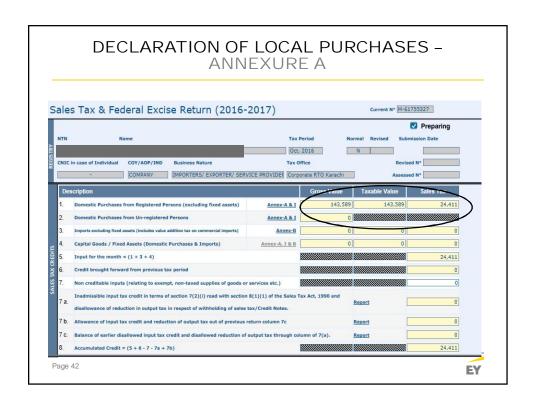


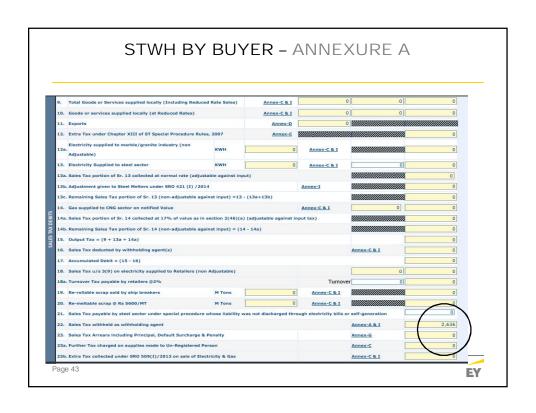


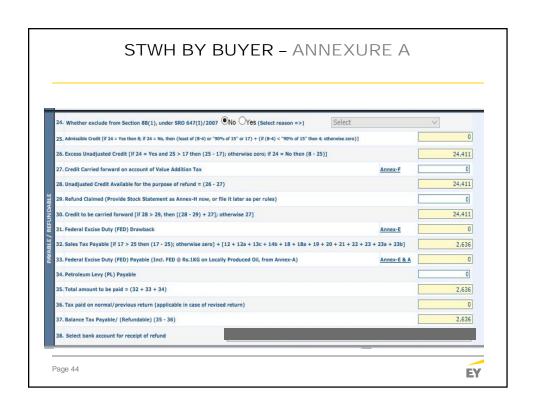




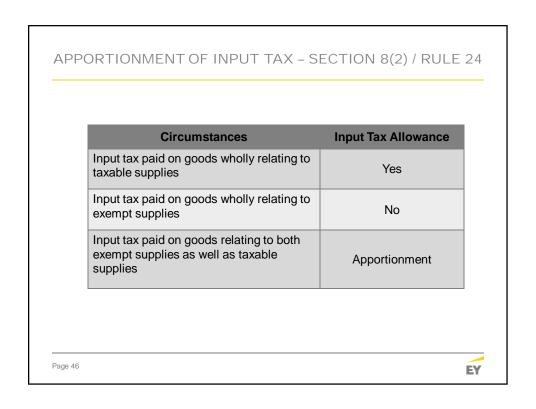


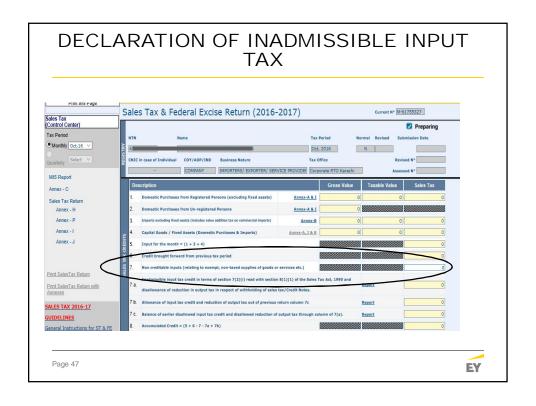


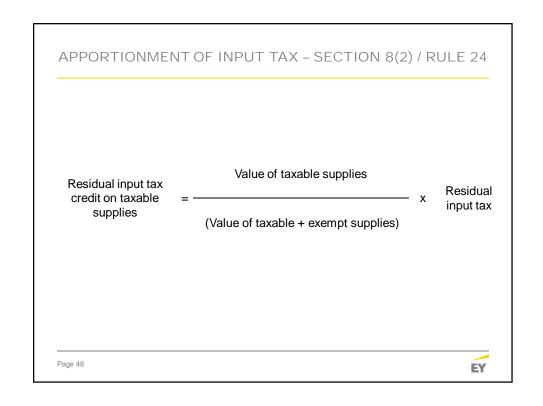


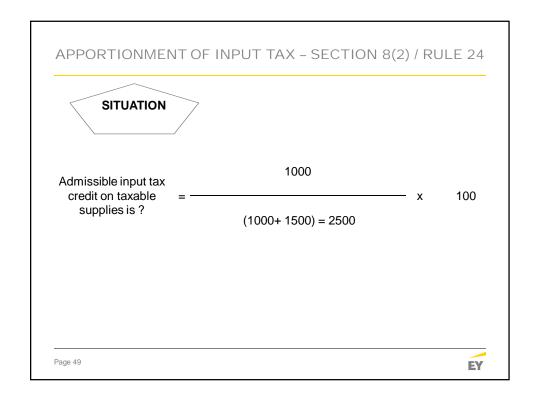


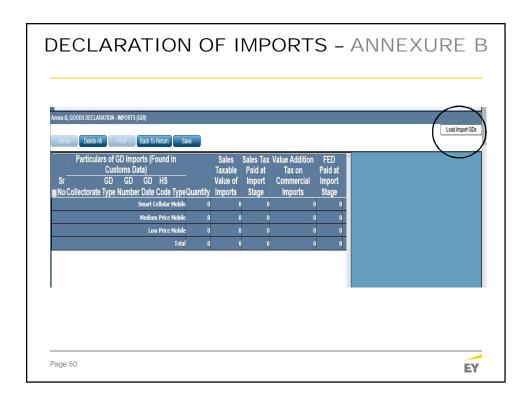


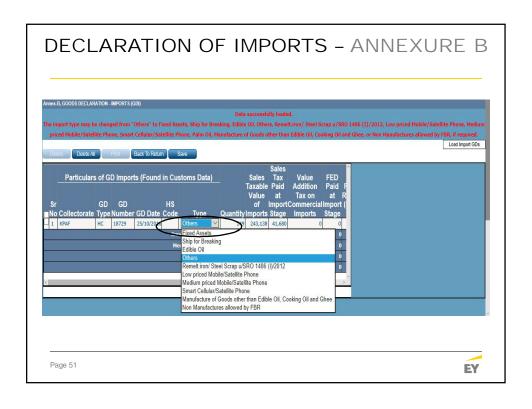


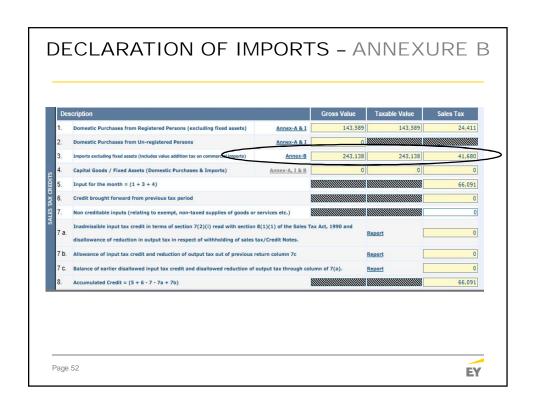


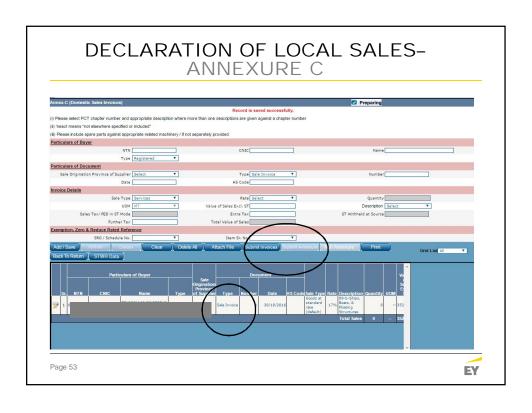


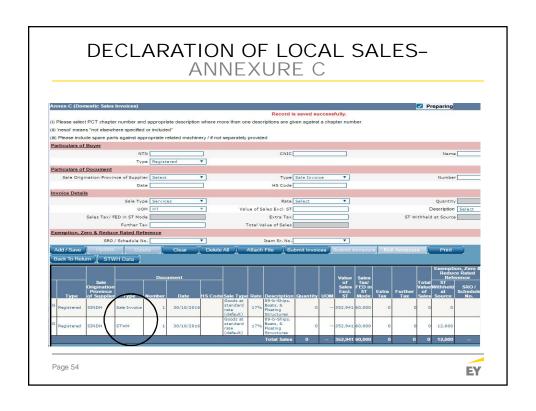


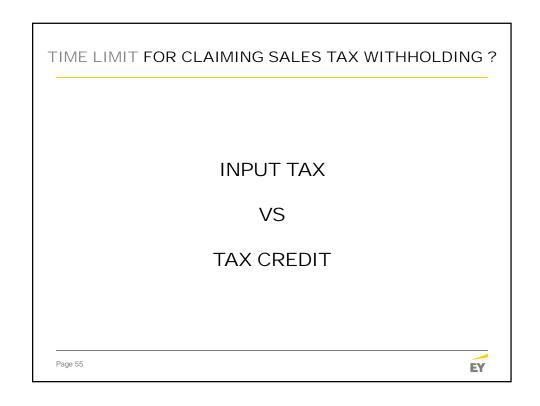


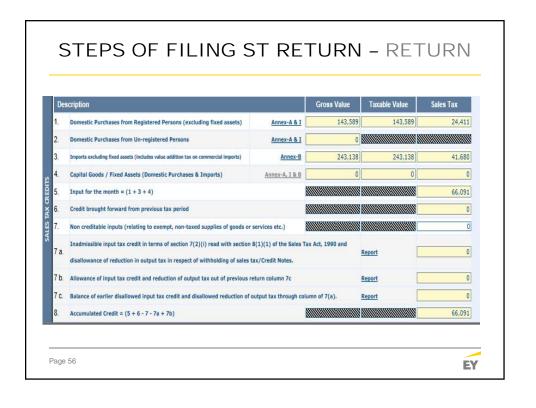


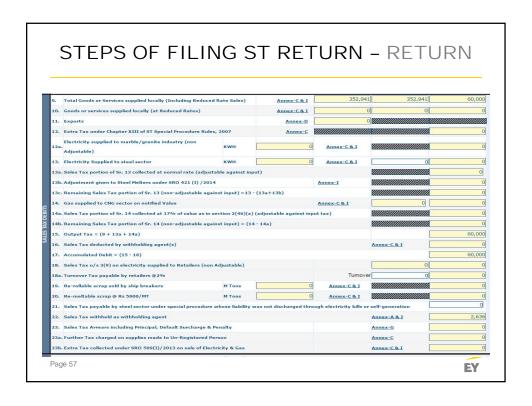


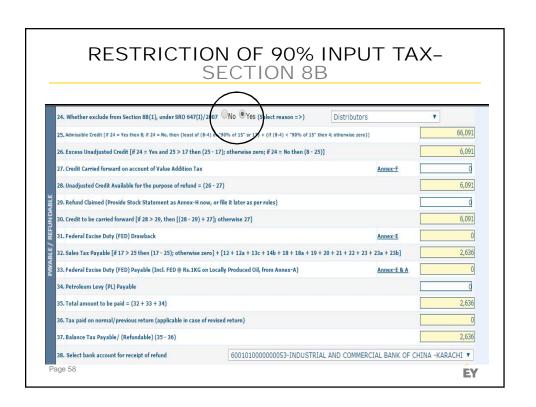












	JR OF RETURN		
24. Whether exclude from Section 8B(1), under SRO 647((I)/2007 No Yes (Select reason =>) Select	t	v
25. Admissible Credit [if 24 = Yes then 8; if 24 = No, then {least of	f (8-4) or 90% of 15" or 17} {if (8-4) < "90% of 15" then 4; otherw	ise zero}]	54,000
26. Excess Unadjusted Credit [if 24 = Yes and 25 > 17 the	n (25 - 17); otherwise zero; if 24 = No then (8 - 25)]		12,091
27. Credit Carried forward on account of Value Addition Ta	эx	Annex-F	d
28. Unadjusted Credit Available for the purpose of refund	= (26 - 27)		12,091
29. Refund Claimed (Provide Stock Statement as Annex-H	l now, or file it later as per rules)		O O
30. Credit to be carried forward [if 28 > 29, then [(28 - 29) + 27]; otherwise 27]		12,091
31. Federal Excise Duty (FED) Drawback		Annex-E	0
32. Sales Tax Payable [if 17 > 25 then (17 - 25); otherwise	e zero] + [12 + 12a + 13c + 14b + 18 + 18a + 19 + 20 + 21 +	22 + 23 + 23a + 23b]	8,636
33. Federal Excise Duty (FED) Payable (Incl. FED @ Rs.1K	G on Locally Produced Oil, from Annex-A)	Annex-E & A	0
34. Petroleum Levy (PL) Payable			0
35. Total amount to be paid = (32 + 33 + 34)			8,636
36. Tax paid on normal/previous return (applicable in cas	e of revised return)		0
37. Balance Tax Payable/ (Refundable) (35 - 36)			8,636
38. Select bank account for receipt of refund	6001010000000053-INDUSTRIAL AND C	OMMERCIAL BANK OF CHINA	-KARACHI ▼

SECTION 8B - RESTRICTION ON INPUT TAX ADJUSTMENT

- Registered Person is not allowed to adjust input tax in excess of 90 per cent of the output tax for that tax period.
- Such restriction on the adjustment of input tax is not apply in case of fixed assets or capital goods.
- Refund such un-adjustment input tax can be filed on yearly basis in the second month following the end of the financial year of the registered person.

SECTION 8B / SRO 647 - EXCLUSION FROM RESTRICTION OF INPUT TAX

Person registered in electrical energy sector

Oil marketing companies and petroleum refineries

Fertilizer manufacturers

Wholesalers-cum-retailer operating in Chapter XII of the Sales Tax Special Procedure Rules, 2007

Commercial Importers, import exceeds 50% of value of all taxable purchases in a tax period.

Person making zero-rated supplies or reduced rate supplies covered under SRO 1125; such supplies exceeds 50% of value of all taxable supplies in a tax period.

Distributors

Gas Distribution companies

Solvent extracting units of edible oils

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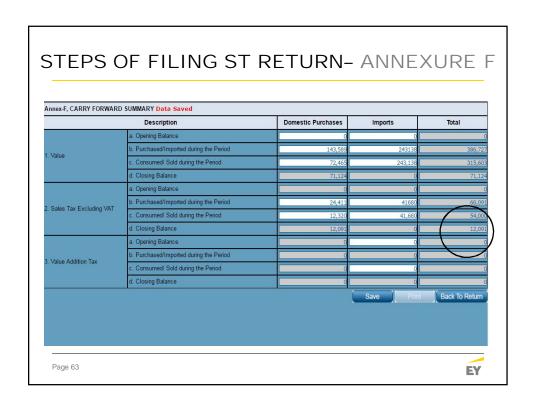


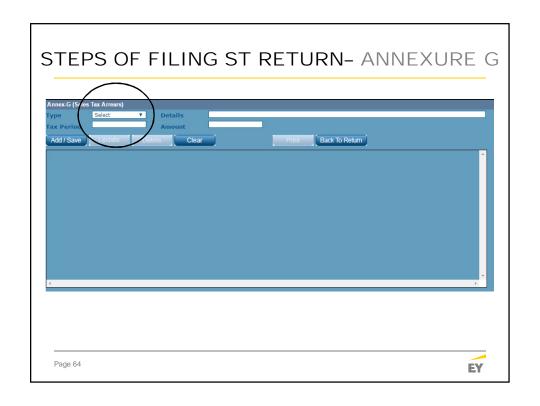
SECTION 8B - RESTRICTION ON INPUT TAX ADJUSTMENT

Input Tax	100,000
Output Tax	80,000
Sales Tax Liability	?

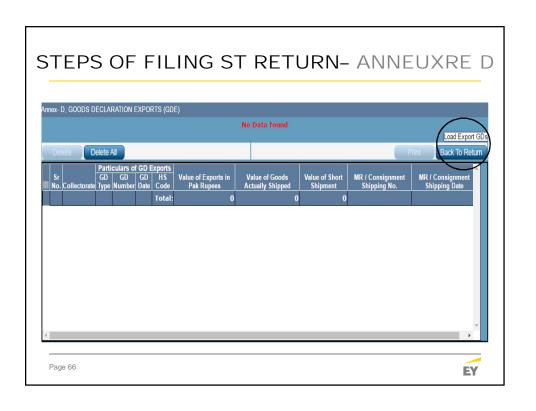
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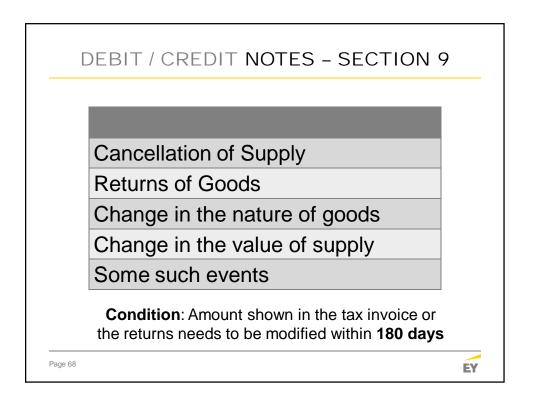




Section 33(1)
Section 33(1)
Section 33(5)
ection 33(19)
Section 34



articulars of Supplier/Buyer NTN Type Registered Bumber Reason Select Articulars of Original Invoice Invoice Type Select T	CNIC Date Specify if Others	Name Type Select	
Type Registered bit / Credit Note Number Reason Select V articulars of Original Invoice	Date		
ebit / Credit Note Number Reason Select ▼ articulars of Original Invoice		Type Select	
Number Reason Select ▼ articulars of Original Invoice		Type Select	
Reason Select ▼ articulars of Original Invoice		Type Select	
articulars of Original Invoice	Specify if Others		· ·
Invoice Type Select	Number	Date	
Sale/Purchase Type ▼	Quantity	Value Excl Sales Tax	
Sales Tax/FED in ST Mode	ST Withheld	Extra Tax	
Further Tax	31 Withheld	Extra rax	
articulars of Revised Invoice			
	alue Excl. Sales Tax	Sales Tax/FED in ST Mode	
ST Withheld Extra	Tax	Further Tax	
ifference Adjustable (Original - Revised)			
Quantity V:	alue Excl. Sales Tax	Sales Tax/FED in ST Mode	
ST Withheld Extra	Tax	Further Tax	
Add / Save Update Delete Clear	Attach File Prin	Back To Return	
Debit or Credit Data			
Particulars of			^
Particulars of Supplier / Buyer Debit / Credit Note	Original	il Invoice	Revised Inv
	Origina	l Involes	Boulead Inc



DEBIT / CREDIT NOTES - RULES 19 - 22

Cancellation of Supply	Debit Note	Corresponding Credit Note
Returns of Goods	Debit Note	Corresponding Credit Note

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PARTICULARS OF DEBIT / CREDIT NOTES

Cancellation of Supply & Returns of Goods

Name and registration number of the supplier

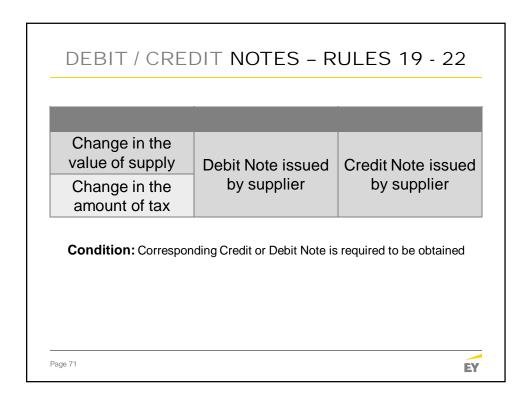
Name and registration number of the recipient

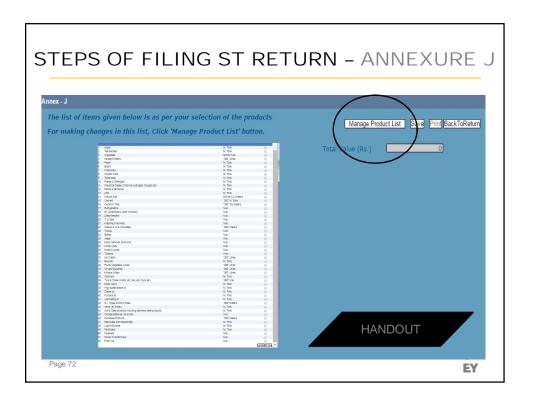
Number and Date of invoice

Reason

Signature







TIMELINES FOR DECLARATION/SUBMISION

Supplier is required to make following declarations:

Annexure / Return	Explanation	Time & Manner	
Annexure C	Declaration of sales tax invoices	10th of the following tax period	
Annexure I	Declaration of debit / credit notes issued by Suppliers	10th of the following tax period	
ST Payment	Create payment challan through e-payments	By 15th of the following tax period	
Return	Submission of complete return	By 18th of the following tax period	

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TIMELINES FOR DECLARATION/SUBMISION

Buyer is required to make following declarations:

Annexure / Return	Explanation	Time & Manner
Annexure A [for input tax adjustment]	Immediately available to upload sales tax invoices declared by Suppliers	After submission of Annexure C by registered supplier, buyer will be able to claim input tax adjustment
Annexure A	Manual feeding of purchases made from un- registered person or any other purchase as allowed by Federal Board of Revenue	Not Specified



TIMELINES FOR DECLARATION/SUBMISION

Declaration by Buyers

Annexure / Return	Explanation	Time & Manner
Annexure A [For Sales Tax Withholding]	Declaration of sales tax withholding deductible on purchases by the buyer as withholding agents.	Not Specified
Annexure I	Immediately available to upload debit and credit notes declared by Suppliers	After submission of Annexure I, by registered supplier, buyer will able to make adjustment in input tax.
Return	Submission of complete return	By 18th of the following tax period

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Provisional adjustment of sales tax by Buyer/ Supplier

Buyer/ Supplier will be provisionally allowed adjustment in the following manner:

Annexure Submission	Return Submission	Adjustment against Purchase Invoice / Debit & Credit Notes / Withholding
No	No	Not allowed / inadmissible under the law



Provisional adjustment of sales tax by Buyer/ Supplier

Annexure Submission	Return Submission	Adjustment against Purchase Invoice / Debit & Credit Notes / Withholding
Yes	No	Web Portal will automatically communicate the buyer / supplier regarding non-submission of return. However, Web Portal will provisionally allow such adjustment. In respect of such provisional adjustment, web portal will automatically adjust / create a liability in next return, if supplier has not filed its return by 10th of following second tax period. Subsequent to filing of return by the supplier, Web Portal will automatically allow sales tax which was automatically recovered / adjusted
		earlier
Yes	Yes	Admissible

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Provisional adjustment of sales tax by Buyer/ Supplier

Disallowance of Input Tax:

- If supplier has not filed return, the buyer shall be allowed input tax adjustment till the 10th day of the next month with the message. – In case of nonfiling, recovery of input tax through row 7a
- In case of filing adjustment shall be allowed through row 7b
- The balance shall appear in row 7c



Provisional adjustment of sales tax by Buyer/ Supplier

Disallowance of Credit Notes Adjustments:

- If the buyer does not accept the Credit Note, the supplier shall be allowed reduction in output tax till the 10th day of the next month. – In case of nonacceptance, recovery of tax through row 7a,
- in case of acceptance, adjustment shall be allowed through row 7b,
- the balance shall appear in row 7c.

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Real-Time Status of Submitted Invoices:

- Claimed by Buyers (Locked)
- Unclaimed (Editable before submission of return)
- Rejected



REVISION OF RETURN - SECTION 26(3)

- Correction of omission or wrong declaration
- Within 120 days
- Online Request
- Application to Commissioner IR for approval
- Filing of condonation after 180 days SRO 394 of 2009:
 - To Commissioner IR upto one year
 - To FBR after one year

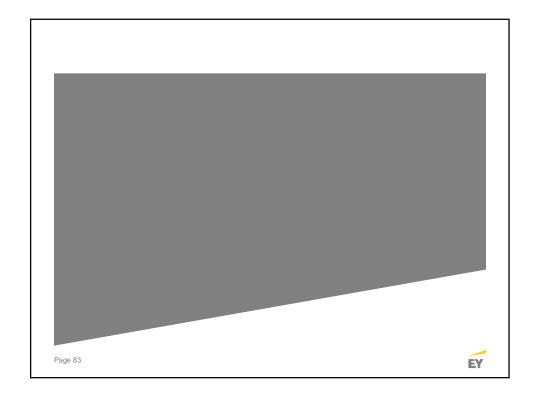
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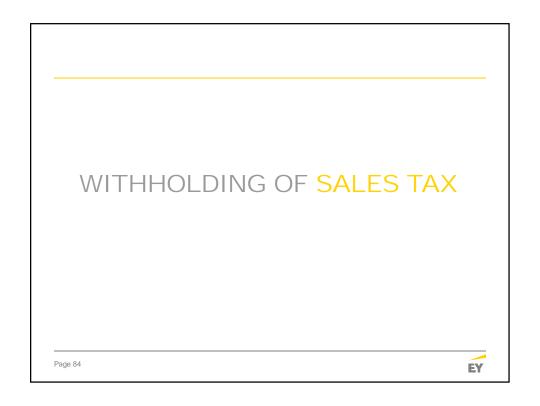


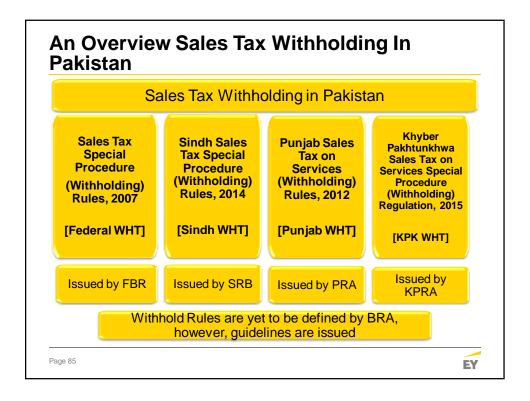
COMPARISON OF ST RETURNS – FBR/PRA VS SRB/KPRA/BRA

- In FBR/PRA, sales tax returns filed through STRIVe as discussed above
- In SRB/KPRA/BRA, the old method of uploading files in respective Annexures still followed
- In SRB, a pro-ration required for declaration of imported capital goods in Annexure B.
- In SRB, revision of return is allowed upon payment of excess sales tax in the revised return.









Withholding Agents (FBR) Persons specified as withholding agents • Federal and Provincial Government departments; • Autonomous bodies; • Public sector organizations, • Companies as defined under the IT Ordinance 2001, registered for ST, FED or income tax purposes. • Recipient of advertisement services, who are registered for sales tax • Persons registered as exporters

Withholding Agents Under the Sindh, Punjab and KPK Rules			
Sindh WHT Agents	Punjab WHT Agents KPK WHT Agents		
Federal and Provincial, local Govt. departments	Federal and Provincial, local Govt. departments	Federal and Provincial, local Govt. departments	
Autonomous bodies Public sector org	Autonomous bodies Public sector org	Autonomous bodies Public sector org	
Organizations funded by Federal, Provincial Govt	Organizations funded by Federal, Provincial Govt	Organizations funded by Federal, Provincial Govt	
All companies resident of Sindh (as per section 2(28) of the Sindh Act)	All companies (resident of Punjab or have place of business there)	All companies (resident of KPK or have place of business there)	
Recipient of advertisement services, registered for Federal or Sindh sales tax	Recipient of advertisement services, registered for Federal or Punjab sales tax	Recipient of advertisement services, registered for Federal or KPK sales tax	
SRB registered persons receiving taxable services from unregistered persons	PRA registered persons receiving taxable services from unregistered persons	KPRA registered persons receiving taxable services from unregistered persons	
Page 87		EY	

Responsibility of Withholding Agents

A withholding agent is required to withhold Sales tax from the payments being made on -

- receipts of taxable advertisement services; and
- invoices of other taxable services.

On receipts of **taxable goods or services** from a **registered person**, **a withholding agent is required**

- to withhold sales tax at the applicable rates
- of the total amount of sales tax shown in the tax invoice
- make payment of the balance amount
- Issuing a sales tax withholding certificate.



Responsibility of Withholding Agents (FBR)

Sales Ta	x Withholding under STW	/H Rules	
Business Activity of Supplier	Registered	Un-registered	
Manufacturers and others (Excluding Wholesaler / Distributor / Dealer)	1/5 th or 20% of the value of sales tax shown in the sales tax invoice	1% of the gross taxable amount (including sales tax)	
Wholesaler / Distributor / Dealer	1/10 th or 10% of the value of Sales Tax shown in the sales tax invoice		

For withholding of sales tax on goods, sales tax withholding is due on "purchase of taxable goods" instead of "at the time of making payment to the supplier".

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Responsibility of Withholding Agents Under the Sindh, Punjab and KPK Rules Jurisdiction Registered 1/5th or 20% of the sales tax shown in the sales tax invoice Amount of sales tax at tax at tax at tax at tax at tax invoice

Jurisdiction	Registered	Unregistered
	1/5 th or 20% of the sales tax shown in the sales tax invoice	Amount of sales tax at the applicable rate
Sindh	Whole Amount of Sales Tax is to be withheld on following services: - Advertisement - Auctioneers - Renting of Immovable Property - Intercity Transportation or carriage of goods by Road	Applicable rate of Sales Tax is to be withheld on following services: Advertisement @13% Auctioneers @10% Renting @3% Transportation @8%
Punjab	Whole Amount of Sales Tax (excluding service received from registered Corporate entities, being Active Taxpayer on PRA)	Amount of sales tax at the applicable rate
КРК	1/5 th or 20% of the sales tax shown in the sales tax invoice	Amount of sales tax at the applicable rate
ICT		
Baluchistan		



Example

Value of taxable supplies excluding sales tax

= Rs. 1.000

Sales tax @17%

= Rs. 170

Sales tax to be deducted by withholding agent at 1/5th or 20%

(i.e. Rs. 170/5)

= Rs. 34

Balance Amount to be paid = Rs. 1,136

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An Overview

Concept of Registered / Unregistered Persons

- Currently, the rates of with holding tax, for sales tax purposes, have been separately identified for "Registered" and "Un-registered" persons.
- ► A Registered person is a person who is registered for sales tax purposes with the respective tax authorities and charges sales tax at the applicable rate on its invoices.
- An Un-registered person is a person who is liable to be registered for sales tax with respective authority.



Example Sales tax With holding on Payment of Services

Acquisition of services from unregistered person

Value of renting services (gross amount) = Rs. 1000

Sindh sales tax withholding @8%(8/108) = (Rs. 74)

Balance Amount to be paid = Rs. 926

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Example Sales tax With holding on Payment of Services

Acquisition of services from unregistered person

Value of renting services (gross amount) = Rs. 1000

Sindh sales tax withholding @8%(8/108) = (Rs. 74)

Balance Amount to be paid = Rs. 926



Exclusions from Sales Tax Withholding (FBR)

Following taxable **goods are excluded from sales tax** withholding:

- 1. Electrical energy and Natural gas
- Petroleum products as supplied by petroleum production and exploration companies, oil refineries, oil marketing companies and dealers of motor spirit and high speed diesel;
- Registered persons paying sales tax under Chapter XI of the Sales Tax Special Procedure Rules, 2007, except those paying sales tax on ad valorem basis at standard rate;
- 4. Vegetable ghee and cooking oil
- 5. Goods specified in the Third Schedule
- Supplies made by commercial importers who paid value addition tax on such goods at the time of import.
- Supplies made by registered person to another registered person except advertisement services

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Exclusions From Sales Tax Withholding (Services) Following taxable services are excluded from sales tax withholding Sindh WHT Punjab WHT KPK WHT

Procedure of Payment and Declaration of Sales Tax Withholding

Tax Authority	Registered with FBR only	Registered with SRB/PRA/KPRA only	Registered with both FBR and SRB/PRA/KPRA
FBR	Sales Tax Return	Withholding Statement	Sales Tax Return
SRB/PRA/KPRA	Withholding Statement	Sales Tax Return	Sales Tax Return

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Procedure of Payment and Declaration of Sales Tax Withholding

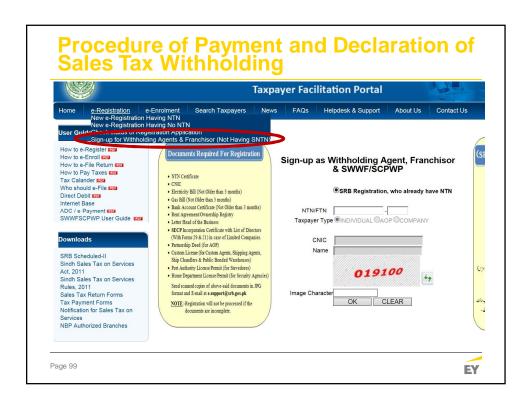
A Withholding agent **registered** for sales tax is **required to**

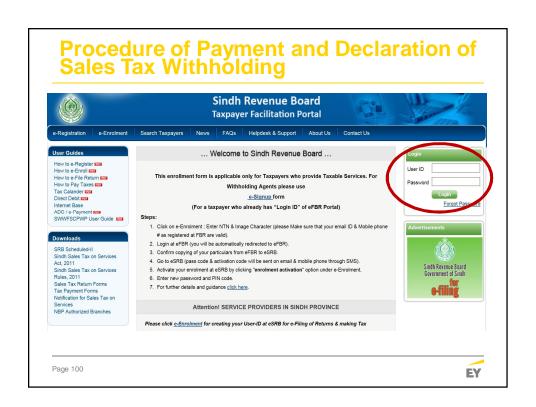
- Deposit the withheld amount through declaring purchases in monthly sales tax return. (whether input tax is required to be claimed or not)
- Withholding from unregistered persons can be declared in single line?

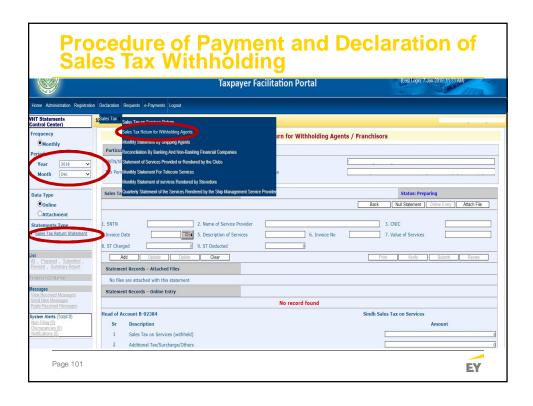
A withholding agent **not registered** for sales tax is **required** to

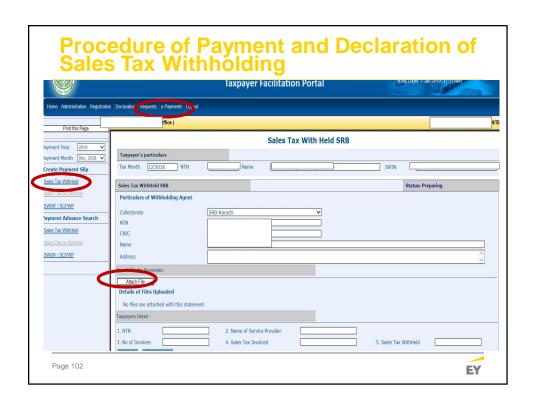
- Be **e-enrolled** on e-portal of respective authorities
- File monthly withholding e-statement
- Deposit the withheld amount of sales tax.







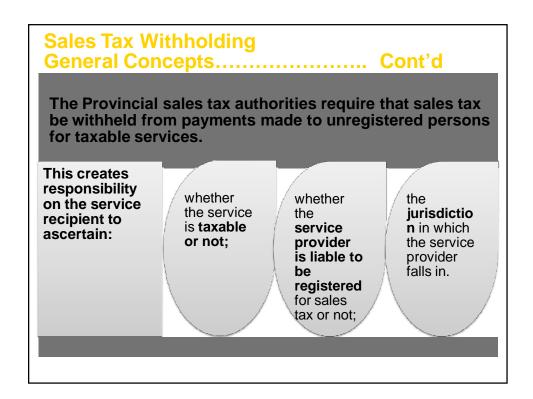




Sales Tax Withholding General Concepts..... Cont'd

Exposure for failure to Withhold Sales Tax

- No specific penalty hence general penalty for noncompliance of provisions of the law where no specific penalty has been provided which is Rs. 10,000 or 3% of the amount involved. However, SRB has introduced specific penalty of Rs.50,000 or an amount equivalent to the tax amount whichever is higher.
- Default surcharge unlikely if output tax has been deposited in time by the service provider
- Recovery of the principal amount can be challenged on the grounds of double taxation



Sales Tax Withholding Practical Issues!

- Whether sales tax withholding will be made against taxable services rendered before issuance of Withholding Tax Rules?
 - A withholding agent is required to advertise or give notice that sales tax on purchases /services will be deducted from payments?
- Withholding on purchases/services received from unregistered persons means whether
 - not registered with relevant authority
 - Or any tax authority?

Sales Tax Withholding Practical Issues!

- Withholding is required to be made
 - at the time of payment /accrual
 - as per amount of tax or value mentioned on tax invoice
 - WITHHOLDING ON ADVANCE PAYMENTS or Part Payments?
- Time of payment of withholding and
- Claim of sales tax withholding made by an Unregistered WHT agent ?

Adjustments of Sales Tax Withholding

- Taxpayers registered with SRB, can adjust sales tax withholding by selecting sales type as "STWH" and declared the complete information of the invoice in Annexure-C of the monthly Sales Tax Return.
- ► Taxpayer registered with FBR/PRA etc., can adjust sales tax withholding by selecting the relevant sales tax invoice in Annexure-C of the monthly Sales Tax Return.
- Taxpayers can claim the adjustment of sales tax withholding on the basis of Certificate of Sales Tax Withholding issued by the Withholding Agent.

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Information to be maintained by withholding agents Functions NTN/STRN Records Records

Thank You

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