

THE BALOCHISTAN SALES TAX ON SERVICES
APPELLATE TRIBUNAL QUETTA.

Sales Tax Appeal No.57 of 2024
M/s Farroq Ghee and Oil Mills, Quetta.
versus
Commissioner II, Balochistan Revenue Authority

Appellants by: Mr. Muneer Ahmed
Respondents by: Mr. Barrister Wasil Jan Bazai.
Date of hearing: 23-06-2025
Date of Order: 23-06-2025

ORDER

JUSTICE (R) NAZEER AHMED LANGOVE, CHAIRMAN. The above titled Sales Tax Appeal has been filed by the appellant calling in question, the order-in-original No.COM-II/QT/BWWF/09/2024-25 dated 07.09.2024, passed by the learned Commissioner-II ('Commissioner') of the Balochistan Revenue Authority ('BRA') wherein Balochistan Workers Welfare Fund ('BWWF') of Rs.30,612,671 has been held recoverable on the income of Rs.1,530,633,572 declared in the Income Tax return.

2. In the impugned order-in-original the learned Commissioner has on the basis of available information regarding income declared under the Income Tax Ordinance, 2001 observed that the appellant was required to pay impugned amount of BWWF under sub-section 14 of section 4 of the Balochistan Workers Welfare Fund Act, 2022. The Commissioner issued notices which were not complied by the appellant hence the impugned order has been passed. Being aggrieved the appellant has come up in appeal to this Tribunal with the following prayer:

1. *The impugned ex-parte order passed by the learned Commissioner-II may be declared as illegal, unlawful and void ab-initio.*

2. *The impugned order based on incorrect facts and presumptions may be set-aside and declared as of no legal effect.*

3. *The recovery proceedings in pursuance of impugned order may be vacated.*

3. The relevant facts for disposal of instant appeal are that the appellant is a private limited company engaged in manufacturing of ghee and cooking oil. The Commissioner observed that the appellant was required to pay impugned amount of BWWF under sub-section 14 of section 4 of the Balochistan Workers Welfare Fund Act, 2022 but failed to make payment of said amount. Hence show-cause notice was issued under section 52(1) of the Balochistan Sales Tax on Service Act, 2015 ('Act') on 22-8-2024 followed by a couple of reminders. Presuming no compliance on the part of appellant the learned Commissioner passed impugned order under section 52(3) of the Act.

4. On behalf of the appellant MR. Muneer Ahmad appeared and challenged the impugned order mainly on the ground that none of the notices issued were ever served on the appellant. The learned counsel further contended that the learned Commissioner was not justified to charge BWWF on income of Rs.1,530,633,572 because actual income declared in the Income Tax return for tax year 2021-2022 was Rs.513,635,427. The learned Counsel submitted that if the notices issued

were properly served on the appellant then the same would have been explained to the learned Commissioner.

5. Mr. Barrister Wasil Jan Bazai, learned counsel on behalf of respondent raised no objection for providing an opportunity of being heard to the appellant to explain the facts to the learned Commissioner.

6. We have gone through the impugned order of the learned Commissioner. We have also examined the relevant provisions of law and relevant record. It is evident that facts involved are not properly threshed out as the impugned order has been passed on the basis of no compliance by the appellant. Since Counsels of both the sides agree to remanding back of the case for re-adjudication after providing proper opportunity of being heard therefore, we direct the appellant to appear before the learned Commissioner BRA and thresh out the facts as per provisions of Balochistan Workers Welfare Act, 2022 within 30 days of this order. The learned Commissioner is directed to provide proper opportunity of being heard to the appellant, examine all the facts and relevant provisions of law and then come up with a judicious order. The appellant is also directed to participate in re-adjudication proceedings and assist the learned Commissioner to come up with a judicious order.

Announced
Dated, the 23/06/2025.

— sd —

Chairperson

— sd —

Member

— sd —

Member