

**THE BALOCHISTAN SALES TAX ON SERVICES**  
**APPELLATE TRIBUNAL QUETTA.**

Sales Tax Appeal No.59 & 60 of 2024  
MA (Stay) 16/2024  
MA (Additional Grounds) 01/02  
(M/s. Abdul Mueez Khilji,  
Zarghoon Road, Quetta. v. Commissioner-II Balochistan Revenue Authority)

Appellants by: Mr. Muhammad Nauman Rafiq

Respondents by: Mr. Wasil Jan

Date of hearing: 26/June/2025

Date of Order 03/07/2025

**ORDER**

**SAIF ULLAH KHAN, MEMBER.** The above titled Sales Tax Appeals have been filed by the appellant/registered person on the grounds set-forth in the memo of appeal calling in question, the orders in original No.06/2024 and No.07/2024 both dated 19.08.2024, passed by the learned Commissioner-II of the Balochistan Revenue Authority ('BRA'), Quetta.

2. The relevant facts for disposal of instant appeal are that the appellant, being an individual is running business of construction services and registered with the BRA with BNTN 3066090-4. The appellant had rendered services to M/s Water, Environment & Sanitation Society (WESS) having BNTN 328401-4 but failed to make payment of Balochistan Sales Tax on Services ('BSTS') amounting to Rs.725,723 and Rs.5,545,125 respectively. The Commissioner initiated proceedings for recovery of said amounts. which ultimately led to passing of impugned order.

3. The appellant, being aggrieved with the impugned orders passed by the Commissioner has come up before this forum in terms of section 60 sub-section



(2) of the Balochistan Sales Tax on Services Act, 2015 ('Act') on grounds set forth in memo of appeal.

4. On behalf of the appellant, arguments were given by Mr. Muhammad Nauman Rafiq who contended that the impugned order has been passed ex-parte without affording an opportunity of being heard to the appellant which is violation of the fundamental rights of the appellant guaranteed by the Constitution. The impugned order has been passed without mandate of law hence liable to be set-aside. The learned counsel of the appellant also agitated against the respondent's allegation that the notices were issued to the appellant but he failed to appear or reply to the show-cause notices. The learned counsel stated that the respondent has not mentioned a single word as to the fact that the notices issued were duly served on the appellant. Further the respondent has also failed to bring on record any delivery report of the notices issued to the appellant which clearly depicts that the process of the service of the notices was not completed prior to the passing of impugned order. The learned counsel contended that the appellant came to know about the impugned orders when bank account of the appellant was attached pursuant to the letter issued by the Commissioner BRA.

5. The appellant has also filed Miscellaneous Applications for stay of tax demand and adding additional grounds to the appeals filed. On the additional grounds the counsel contended that tax liability for fiscal years 2016-17 has erroneously been calculated at Rs.5,545,125 instead of correct amount of Rs.521,446 and for fiscal year 2017-18 at Rs.725,723 instead of correct amount of Rs.77,757. The learned counsel therefore requested that if the matter is remanded back to the Commissioner, then the appellant will provide supporting evidences.



6. Mr. wasil Jan, learned counsel appearing on behalf of respondent supported the order of the learned Commissioner and stated that the appellant was issued with multiple notices which were not responded therefore impugned order was passed and tax recovered. However, the learned counsel did not object to suggestion of the learned counsel of the appellant regarding remand back of matter to the Commissioner.

7. We have gone through the impugned order of the commissioner, examined the relevant provisions of law and considered arguments of both the parties. The crux of the issue involved in the instant appeal is whether sufficient opportunity of being heard was provided to the appellant and notices issued were properly served while passing impugned order and tax liability was corrected worked out or not.

8. Perusal of the impugned order shows that the learned commissioner has committed multiple errors of law and facts while passing said order. Firstly, the learned commissioner has violated principles of natural justice by not providing ample opportunity of being heard. Although issuance of notices is mentioned in the impugned order but no comments are made whether such notices were properly served on the appellant or not as per provisions of section 80 of the Act. Secondly the learned commissioner has calculated incorrect amounts of tax liability for both fiscal years.

9. In view of the above stated errors of law and procedure the impugned order cannot be allowed to sustain therefore it is set-aside and the case is remanded back to the learned commissioner with the directions to provide sufficient opportunity of being heard to the appellant, ensure proper ~~of~~ service of notices as per section 80 of the Act, examine relevant evidences and then come up with a



judicious order, if any default is established against the appellant within 30 days of this order. The appellant is also directed to appear before the Commissioner, participate in the proceedings and provide all supporting evidences.

10. The STA No.59 & STA No.60 MA(Stay) 16/2024 and MA (Additional Grounds) 01/02 stand disposed of as above.

Announced

Dated, the 03/07 2025.

— sd —

Chairperson

— sd —

Member

— sd —

Member