THE BALOCHISTAN SALES TAX ON SERVICES APPELLATE TRIBUNAL QUETTA.

Sales Tax Appeal No.25 of 2025
M/s Carawan Enterprises, Near Askari Park, Quetta.
versus
Commissioner II, Balochistan Revenue Authority

Appellants by: Mr. Muhammad Riaz Ahmed Adv

Respondents by: Mr. Wasil Jan Adv

Date of hearing: 04/08/2025

Date of Order: 07/08/25

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/QTA/BWWF/08/2024-25 dated 07.112024, passed by the learned Commissioner-II ('Commissioner') of the Balochistan Revenue Authority ('BRA') wherein Balochistan Workers Welfare Fund ('BWWF') of Rs.2,945,214 has been held recoverable on the income of Rs.147,260,708 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 presuming no response the impugned order has

been passed. Being aggrieved the appellant has come up in appeal to this Tribunal with grounds of appeal as per memo of appeal.

3. The relevant facts for disposal of instant appeal are that the appellant M/s Carawan Enterprises (Private) Limited is registered at NTN: 7159890. The company has its factory / manufacturing unit in Balochistan. The learned commissioner therefore observed that the appellant is an "establishment" / "industrial establishment" as per clauses (d) and (h) of section 2 of the Balochistan Worker's Welfare Fund Act, 2022 ('BWWF Act') and liable to pay BWWF to Government of Balochistan under section 4 of the BWWF Act. The learned commissioner issued show-cause notice under section 52(1) of the Balochistan Sales Tax on Services Act, 2015 ('Act') on 22-8-2024 which was 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 Senior counsel Mr. Muhammad Riaz Ahmed Adv 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 because the appellant does not qualify as establishment/ industrial establishment. 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. Wasil Jan Adv 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 for 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 BWWF Act 30 days of this order. The learned Commissioner is directed to ensure proper service of notices, provide sufficient opportunity of being heard to the appellant, examine all the facts and relevant provisions of law and then come up with a judicious and speaking order. The appellant is also directed to participate in re-adjudication proceedings and assist the learned Commissioner to come up with a judicious and speaking order.

Announced
Dated, the 07/8/2025.

—sd—
Chairperson

—sd—
Member

—sd—
Member