THE BALOCHISTAN SALES TAX ON SERVICES APPELLATE TRIBUNAL QUETTA.

Sales Tax Appeal No.29 of 2025
M/s National Insurance Company Limited, NICL Building Karachi.
Versus
Commissioner-III Balochistan Revenue Authority, Quetta.

Appellants by: Mr. Syed Masud ul Hassan ACCA
Mr. Muhammad Moazzam Adv

Respondents by: Mr. Barrister Wasil jan

Date of hearing: 25/08/2025

Date of Order

ORDER

JUSTICE (R) NAZEER AHMED LANGOVE, CHAIRMAN. 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.BRA/OPS/2024-25/U/7/189 dated 07.04.2025, passed by the learned Commissioner-III of the Balochistan Revenue Authority ('BRA'), Quetta.

2. The relevant facts for disposal of instant appeal are that the appellant, being a public limited company is registered with the BRA with BNTN 0711319 under Tariff Heading 9813.1000. The appellant had rendered services to Secretary, Services and General Administration Department, Balochistan. The learned Commissioner observed that the appellant has failed to make payment of Balochistan Sales Tax on Services ('BSTS') amounting to Rs.4,685,000. The

Commissioner initiated proceedings for recovery of said amounts which ultimately led to passing of impugned order wherein said amount of tax and penalty of Rs.234,250 was held recoverable.

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. Syed Masud Ul Hassan ACCA and Mr. Muhammad Moazzam Adv who contended that the impugned order has been passed without providing sufficient opportunity of being heard to the appellant which is violation of the fundamental rights of the appellant guaranteed by the Constitution and the principles of natural justice. The impugned order has been passed without considering the Place of Business Rules, 2023 ('Rules') and the fact that appellant has already paid tax to Sindh Revenue Board ('SRB'). He further contended that the learned Commissioner has erroneously mentioned an amount of Rs.416,000 dated 07-02-2018 which is not available on record of the appellant and has twice mentioned amount of Rs.2,892 million dated 15-11-2016 and 09-10-2017.

5. Mr. Barrister Wasil Jan learned counsel appearing on behalf of respondent supported the order of the learned Commissioner and stated that the appellant did not respond within time therefore the impugned order was passed. However, the

learned counsel did not object to suggestion of the learned counsel of the appellant regarding remand back of matter to the Commissioner.

6. We have gone through the impugned order of the commissioner, examined the relevant provisions of law and Rules, considered arguments of both the counsels.

7. 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 not given any findings on application of Rules and payment to SRB. Secondly the learned commissioner has taken wrong amounts while calculating tax liability in the impugned order.

8. In view of the above stated errors of law and facts the impugned order cannot be allowed to sustain therefore with the consent of both the counsels 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 provisions of The Act and Rules, documentary evidences and then come up with a speaking and judicious order, within 30 days of this order. The appellant is also directed to appear before the Commissioner, participate in the proceedings, provide all supporting evidences and assist the learned commissioner to come up with a judicious decision.

__SD__

Chairperson

Announced
Dated, the 28/8/ 2025.

__SD__

Member

__SD__

Member