

THE BALOCHISTAN SALES TAX ON SERVICES
APPELLATE TRIBUNAL QUETTA.

Sales Tax Appeal No.28 of 2025
M/s Sufi Logistics (Private) Limited, Lahore.
Versus
Commissioner-III Balochistan Revenue Authority, Quetta.

Appellants by: Ms. Nadia Khalil Adv and MS Mahira Saeed Adv

Respondents by: Mr. Muhammad Kashif Adv

Date of hearing: 01/09/2025

Date of Order

ORDER

JUSTICE (R) NAZEER AHMED LANGOVE, CHAIRMAN. The above titled Sales Tax Appeal has been filed by the appellant/registered person on the grounds set-forth in the memo of appeal calling in question, the order in original No.Input/74/2024-25 dated 28-04-2025, passed by the learned Commissioner-III ('Commissioner') of the Balochistan Revenue Authority ('BRA'), Quetta.

2. The relevant facts for disposal of instant appeal are that the appellant having BNTN 7404351-6 is registered with the BRA for principal activity as "Domestic transportation or carriage of goods by road, rail, aircraft, ship or through pipeline or conduit whether in, from or to Balochistan." under tariff heading 9804.1000 under 1st Schedule & 2nd Schedule of the Balochistan Sales Tax on Services Act, 2015 ('Act'). From perusal of record the learned

Commissioner observed that the registered person has claimed inadmissible input tax, i. e. in excess of 15% and/or at reduced rate, hence short paid Balochistan Sales Tax on Services (BSTS) amounting to Rs.2,887,301/- into Government Exchequer. The learned Commissioner initiated proceedings for recovery of said amount which ultimately led to passing of impugned order under section 52(3) of the Act wherein said amount was held recoverable. The learned Commissioner also recorded his intention to charge penalty and default surcharge under the Act.

3. The appellant, being aggrieved with the impugned order passed by the Commissioner has come up before this forum in terms of section 60 sub-section (2) of the Act on grounds set forth in memo of appeal.

4. On behalf of the appellant, arguments were given by Ms. Nadia Khalil Adv and MS Mahira Saeed Adv who contended that the impugned order has been on the basis of a single notice and a subsequent reminder which were never properly served on the appellant. The counsel also contended that the learned Commissioner did not provide ample opportunity of being heard hence the impugned is passed against the principles of natural justice. The learned counsel also agitated against intended charging of penalty and default surcharge. While concluding her arguments the learned counsel suggested that if the impugned order is set-aside and the matter is remanded back to the learned Commissioner, then complete documents will be provided by the appellant and the case will also be explained satisfactorily.

5. Mr. Muhammad Kashif Adv 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 considered arguments of both the counsels.

7. Perusal of the impugned order shows that the learned Commissioner has issued only single notice and a subsequent reminder but the learned counsel appearing on behalf of respondent could not establish proper service of notice/ reminder. Hence the impugned order has been passed without following the principles of nature of justice.

8. In view of the above stated position the impugned order cannot be allowed to sustain, therefore, with the consent of both the counsels it is set-aside and the matter is remanded back to the learned Commissioner with the directions to provide sufficient opportunity of being heard to the appellant, ensure proper service of notices as per section 80 of the Act, examine relevant provisions of the Act, consider documentary evidences/explanations and then come up with a well-reasoned, speaking and judicious order, within 30 days of this order. The

appellant is also directed to appear before the learned Commissioner, participate in the proceedings, provide all supporting evidences/ explanations and assist the learned Commissioner to come up with a well-reasoned, speaking and judicious order.

Announced
Dated, the 4th Sept 2025.

___SD___

Chairperson

___SD___

Member

___SD___

Member