

THE BALOCHISTAN SALES TAX ON SERVICES
APPELLATE TRIBUNAL QUETTA.

Sales Tax Appeals No.72 of 2025
CEEC Tianjin (Pakistan) Electric Power Construction Private Limited
Versus
Commissioner-II Balochistan Revenue Authority, Quetta.

Appellants by: Mr. Syed Muhammad Shoaib ITP

Respondents by: Mr. Amin Ullah Khan Adv

Date of hearing: 15/12/2025

Date of Order

ORDER

SAIF ULLAH KHAN MEMBER. 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/Hub/02/2025-26 dated 16-08-2025, passed by the learned Commissioner-II ('Commissioner') of the Balochistan Revenue Authority ('BRA'), Quetta for tax periods July 2022 to June 2023.

2. The relevant facts for disposal of instant appeal are that the appellant M/S CEEC TIANJIN (PAKISTAN) ELECTRIC POWER CONSTRUCTION (PVT.) LTD (hereinafter referred to as the registered person) having BNTN: B7154050 is registered with the Balochistan Revenue Authority (the Authority) with principal activity as "services provided or rendered by persons engaged in contractual execution of work or furnishing supplies" under tariff heading 9809.0000 under 1st Schedule & 2nd Schedule of the Balochistan Sales Tax on

Services Act, 2015 (the Act). On perusal of the record available with the Authority the learned Commissioner observed that the registered person has claimed inadmissible input tax under section 16B (1) (k) & (l) of the Act and Rule 27(8) of the Balochistan Sales Tax on Services Rules, 2018 (the services rules) by claiming input tax in excess of 15% hence short paid Balochistan Sales Tax on Services (BSTS) amounting to Rs.9,222,579/- into government treasury. The learned Commissioner initiated proceedings which ultimately led to passing of impugned order under section 24(1) of the Act wherein said amount was held recoverable. The learned Commissioner also indicated intention to impose penalty and default surcharge under sections 48 and 49 of the Act.

3. The appellant, being aggrieved with the impugned order passed by the learned 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 Mr. Syed Muhammad Shoaib ITP who contended that the impugned order has been passed without properly appreciating the facts. The learned counsel also contended that the learned Commissioner has passed impugned order after expiry of limitation period. The learned counsel also stated that the reply submitted by the appellant during the course of proceedings was not considered. The learned counsel also agitated against intention of charging penalty and default surcharge. While concluding his 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/ reconciliation of input tax will be provided by the appellant and the case will also be explained satisfactorily.

5. Mr. Amin Ullah Khan Adv., learned counsel appearing on behalf of respondent supported the order of the learned Commissioner and stated that the appellant did not justify claim of input tax 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 statedly issued multiple notices which were not responded by the appellant. Hence the impugned order has been passed on the basis of no compliance and the facts are not properly threshed out.

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 of 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 issuance 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.

9. The appeal stands disposed of.

Announced

Dated, the 22/12/2025.

___SD___

Chairperson

___SD___

Member

___SD___

Member