

BALUCHISTAN SALES TAX ON SERVICES

APPELLATE TRIBUNAL, QUETTA

MA (stay) 07/2025

M/S Aves Technocare Private Limited

Versus

The Commissioner (Operations) & one another, Balochistan Revenue Authority, Quetta

ORDER

Date of hearing: 13.04.2026

Date of order: 28.04.2026

Appellant by:

Mr. Daniyal Muhammad
Mohsin, Adv & Others

Respondent by:

Mr. Amin Ullah Khan,
Adv & Others

JUSTICE (R) NAZIR AHMED LANGOVE, CHAIRPERSON:

This is an appeal filed by the Appellant against the order in original dated 18th April, 2025 passed by the Learned Commissioner-II (Operations) Balochistan Revenue Authority (BRA) whereby the Appellant's claim for deducted amount was declined.

2. Facts in brief are that the Appellant is a Private limited company having its registered office in Faisalabad, engaged in commercial activities of import and

supply of goods including vehicles, equipment and other machinery; registered with the FBR and BRA; entered into a contract with the transport department Government of Balochistan for supply of buses on 15th April, 2025.

3. As per the Appellant's stance it was a supply contract to deliver goods only with no element of service liability upon the Appellant. He urged that despite the transaction being outside the charging provisions of the BSTS Act, the Accountant General (AG) office Balochistan deducted 4% of Sales Tax against the Appellant. Initially he filed a refund claim before the Transport department Government of Balochistan with intimation to Accountant General Balochistan. What happened, not surfaced on record.

4. The Appellant then filed a refund claim before the Commissioner Balochistan Revenue Authority (BRA), Quetta Balochistan on 06/10/2025. However, the Learned Commissioner rejected the refund claim on 12/11/2025.

5. Hence this appeal with the contention that the order impugned passed by the Learned Commissioner-II Balochistan Revenue Authority is contrary to law, facts and principles of natural justice because the Learned Commissioner has failed to appreciate that the BSTS Act applies only to taxable services and not to sale or supply of goods while the Appellant's contract is a pure supply contract, outside the jurisdiction of BRA, in support thereof he relied upon the bidding documents and the contract executed between the parties. Lastly, he prayed for setting aside the impugned order passed by the Learned Commissioner-II BRA and declaring the

Appellant's contract a supply of goods and not services with the further directions for refund of deducted amount.

6. Conversely the Respondent's Learned Counsel strongly opposed the appeal on various legal and factual grounds and supported the impugned order passed by the Learned Commissioner-II Balochistan Revenue Authority and prayed for dismissal of the appeal.

7. We have heard the Learned Counsel for the parties and gone through the record with their assistance. We know that in fiscal matters the valuable and legitimate rights of the parties are involved, cannot be denied, granted or determined in haste without adopting due process provided under the law, but this important aspect perhaps escaped notice of the lower forum which caused miscarriage of Justice; thus, needs interference by this Tribunal.

8. Apart from the above, while going through the record, we observed with grave concern that the order impugned rendered by the Learned Commissioner does not qualify the definition of "Order" which reads as under:

"A direction to do something specific or to refrain from doing something, coupled with the facts in brief and above all based on sound legal and valid grounds."

9. Moreover, another important aspect perhaps escaped notice of the Learned Commissioner was lacking a final verdict to the extent of remaining 11% of Tax amount; Although mentioned in the Para no. 04 of the order but found missing in the concluding paras with no directions to the parties in this behalf; manifest reasoning and conclusion different, which is a legal flaw cannot be rectified in appeal.

10. The above-mentioned inherent defects need a thorough probe particularly the burning issue and bone of contention that basically what was the contract's nature. Secondly whether the question of supply instead of service as claimed by the Appellant was raised and rebutted by the parties before the Learned Commissioner or not and finally how the Learned Commissioner reached the conclusion to observe and assume that 11% of the Tax amount is yet to be paid.

11. The record shows that the above-mentioned (11% Tax amount), assessed and assumed by the Learned Commissioner, was neither noticed, processed nor even confronted to the appellant; making the entire proceedings defective and not sustainable under the law.

12. At this stage we intentionally avoid to make any observations on merits or demerits of the case, lest it cause any prejudice to the parties, however we are clear in our minds that the order rendered by the Learned Commissioner is not sustainable and is liable to be reserved.

13. In view of above the appeal is disposed-of and remanded back to the Learned Commissioner-II with the directions to provide a fair opportunity of hearing to the parties and pass a speaking and legal order by addressing all the relevant issues mentioned above and decide the matter within a shortest possible period but not more than two months purely on merits without being influenced of the earlier order or observations, if any, made by this Tribunal.

14. Orders accordingly.

**__SD__
CHAIRPERSON**

**__SD__
MEMBER**

**__SD__
MEMBER**

Dated: 28 April, 2026