

President directed to take into account law laid down by LHC

ISLAMABAD: Lahore High Court (LHC) has directed the President to take into account the law laid down by the LHC at the time of passing decision on the representation filed by the Federal Board of Revenue (FBR) against the decision of Federal Tax Ombudsman (FTO).

It is reliably learnt that petition was filed by a Lahore based tax lawyer challenging the FBR's action to file representation before the President against the order passed by FTO under Section 19 of the freedom of information (FOI) that this remedy is not provided by the legislature, wherein LHC held that the President had no jurisdiction to entertain and pass a decision on the representation filed by the respondent department (FBR) against the decision of the Tax Ombudsman."

LHC order states "Challenge in this writ petition has been made to the authority of President of Pakistan to adjudicate upon the representation on behalf of the Federal Board of Revenue (FBR) filed under Section 32 of the Federal Tax Ombudsman Ordinance, 2000. Learned counsel submits that this issue had already been determined by this court in judgment reported as Waheed Shahzad Butt vs Federation of Pakistan through Director Legal-II President (Appellate Authority) and another (PLD 2016 Lahore 872). The relevant portion of the said judgment reads as under:

"It is, therefore, held that the President had no jurisdiction to entertain and pass a decision on the representation filed by the respondent department against the decision of the Tax Ombudsman."

Learned counsel appearing on behalf of Federal Board of Revenue submits that to the best of his information, no order till date has been passed by the President of Pakistan on the representation filed by the FBR.

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