

A
Bill

to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 2011) and to amend certain laws

Whereas it is expedient to make provisions to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 2010, and to amend certain laws for the purposes hereinunder appearing:

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Finance Act, 2010,

(2) It extends to the whole of Pakistan.

(3) shall, unless otherwise provided, come into force on the first day of July, 2019.

of

2. Amendment of Ordinance XX of 1961.—In the Petroleum Products (Surcharge) Ordinance, [96 E (XX of 1961)], the following amendments shall be made, namely:—

(1) in the long title and preamble, for the word "surcharge", the words "petroleum levy" shall be substituted:

(2) in section 1, in sub-section (1), for the word "Surcharge", the words "Petroleum Levy" shall be substituted:

(3) in section 2.—

(a) in clause (4B), the word "development" shall be omitted; and
(b) clause (4D) shall be omitted:

(4) in section 3.—

(a) in the marginal note, for the words "Development Surcharge", the words "Petroleum Levy" shall be substituted;

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(b) for sub-section (1), the following shall be substituted, namely:—

"(1) Subject to the provisions of this Ordinance, every company and licensee shall pay to the Federal Government the petroleum levy on such cafes and on such petroleum products produced by a refinery or purchased by a company for resale. us are specified in the Fifth Schedule." : and

{c} after sub-section (1), substituted us aforesaid . the following new sub-section shall be inserted, nemely:—

"CIA) | Every company and Jicensce shall pay the petroleum levy in such manner as the Federal Government may, by reles. preserthe.";

in section 3A.—

(a) for the words "development surcharge", wherever occurring, the words "petroleum levy" shall be substituted;

th} insub-section (2), in clause (h), for the words. comma aml igure "Central Excise Act. 1944", the words. cumma and figure "Federal Excise Act 2004" shall be substituted:

fe) om subesection (4). tor the words, comma and figure "Central Excise Act, 1944". the words, comma and figure "Federal Excise Act. 2005" shall be substituted; and

(d) inthe margin, the Jetier. ward and figure "lof 1944", occurring lwise, shall be omitted.:

in section 5,--

(a) in the marginal note, for the words "development surcharge". the words "petroleum levy" shall be substituted:

ib) for the words "development surcharge", the words "petroleum levy" shall be substituted:

te) tor the words. figures, and commie "section 23 of the Jncame Tax Ordinance. 1979". the words, comma. figures and brackets "Income Tax Ordinance, 2001 (XLEX of 2001)" shall be substituted: ane

id) in the margin. the figures and word "XXXI af 1979" shall be amitted:

(7) in section 6, in sub-section (2), in clause (uaa}, for the words "development surcharge". the words "petroleum levy" shall be substituted:

fK) Insection 8—

(a) the words "or Secretary of Oil Companies Advisory Committee or his duly authorized nominee™ shall be omitted: and

«h) the Explanation shall be omitted:

(9) after section 8, the following new section shall be added. namely: --

"9. Validation —Notwithstanding anything contained in any law. rule or judgment of a Court, the petroleum development levy levied and collected From a company during the period from the 1st day of March. 2010, to the 30th June, 2016. shall be deemed to have been validly and lawfully levied and collected and shall not be refunded, So much of such levy as has not been paid, collected or realized during the said period shall be recoverable in accordance with the provisions of this Ordinance and the rules made thereunder.:and

(10) for the Fifth Schedule, the following shall be substituted. namely: ---

"THE FIFTH SCHEDULE

Rates of Petroleum Levy

{See section 341|}

S.No. Petroleum products Petroleum Levy Rate (Rupees per litre)

] 2 . 3

1. High Speed Diesel Oil (HSDO) 8

2. Motor Gasoline 87 ROM 10

3. SKO 6

4. Light Diesel Oil (LDO) 3

5. H0BC 14

6, E10 Gasoline ".

3. Amendments of Act IV of 1969.—In the Customs Act, 1969, the following further amendments shall be made, namely:—

(1) in section 2,—

(a) in clause (aa), the words “Excise and Sales Tax” shall be omitted;

(b) in clause (s), in sub-clause (ii), after the word “exceed”, the words “one hundred and” shall be inserted:

(2) in section 25, in sub-section (15), in clause (b), for the words “export duty which may be chargeable”, the following shall be substituted) namely:—

“regulatory duty which may be chargeable under sub-section (3) of section 187:

(3) in section 25A, after sub-section (3), the following new sub-section shall be added. namely:—

(4) The customs value determined under sub-section (1) or, as the case may be, under sub-section (3), shall be applicable until an order is issued or rescinded by the competent authority.”;

(4) in section 25D, the following shall be substituted, namely:—

“25D. Revision of the value determined.—Where the customs value has been determined under section 254A by the Collector of Customs or Director of Valuation the revision petition may be filed before the Director-General of Valuation within thirty days from the date of determination of customs value and any proceeding pending before any court, authority or tribunal shall be referred to the Director-General for the decision.”:

(5) for section 274, the following shall be substituted. namely:—

“274. Allowing mutilation or scrapping of goods.—At the request of the owner the mutilation or scrapping of goods as are notified by the Board, may be allowed, in the manner as prescribed by the rules and where such goods are so mutilated or scrapped they shall be chargeable to duty at such rates as may be applicable to the goods as if they had been imported in the mutilated form or as scrapped.”:

(6) in section 32, in sub-section (5), in clause (d), for the full stop, at the end, a semicolon shall be substituted and thereafter the following new clause shall be added: namely: —

“tc} incase of clearance of goods through the Customs Computerized System, on self assessment or electronic assessment, the date of detection”;

(7) in section 32A. in sub-section (1), in clause {c). after the word ‘regarding’, the words and comma “payment of duties and taxes through self-assessment,” shall be inserted;

(8) in section 79, in sub-section (1). for the first proviso, the following shall be substituted, namely:—

“Provided that if, in case of used goods, before filing of goods declaration, the owner makes a request to an officer of customs not below the rank of an Additional Collector that he is unable, for want of full information, to make a correct and complete declaration of the goods, then such officer subject to such conditions as he may deem fit, may permit the owner to examine the goods and thereafter make entry of such goods by filing a goods declaration after having assessed and paid his liabilities of duties, taxes and other charges:

(9) in section 81,—

{a} in sub-section (2) in the proviso, for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely: —

“Provided further that any period, during which the proceedings are adjourned on account of a stay order or for want of clarification from the Board or the Government taken through adjournment by the importer, shall be excluded for the computation of aforesaid periods.”; and

(h) after sub-section (4), the following new sub-section shall be added namely: —

“{(3) On completion of final determination under sub-section (3) or (4), the appropriate officer shall issue an order for adjustment, refund or recovery of amount determined, as the case may be.”:

{10) in section 156, in sub-section (1), in the Table —

(4) against S.No.], in column (2), for the word “twenty-five™, the word “fifty” shall be substituted; :

(b) against S.No.64, in column (2), for the words “not exceeding twenty-five thousand rupees and any goods” the words “up to twice the value of the goods and the goods” shall be substituted: and

fe} against S. No. 89. in column (2) for the word “one™ the word ‘three’ shall be substituted:

(4i) in section 194. in sub-section (1), the commas and words “, Excise and Sales Tax” shall be omitted:

(12) in section 194A, in sub-section (1), after clause (d). the following new clause should be added. namely:-

“(e) an order passed in revision by the Director-General Customs Valuation under section 25D, provided that such appeal shall be heard by a special bench consisting of one technical member and one judicial member.”; unl

(13) the arrangements set out in the Schedule to this Act shall be made in the First Schedule to the Customs Act, 1969 (IV of 1969),

4. Amendment of Finance Act, 1989 (¥ of 1989).—In the Finance Act, 1989 (¥ of 1989), in section 7, in sub-section (2) paragraph (CA) shall be omitted.”,

5. Amendments of Act LXXXII of 1975.—In the Chairman and Speaker (Salaries, Allowances and Privileges) Act, 1975 (LXXXII of 1975), the following further amendments shall be made, namely:—

(1) For section 17-A, the following shall be substituted, namely:—

“17A. Discretionary grant—The Chairman and the Speaker shall be entitled to authorize discretionary grant of six hundred thousand rupees per annum or such amount as may be decided by the Finance Committee of each House; and

(2) in section 18, after the word "Government", the word and commas "ov the Finance Committee of the Senate or National Assembly, as the case may be. may graat to the Chairman or the Speaker, including a person who has held such office after election thereto, such additional privileges as it may deem fit." shall be inserted.

6 Amendment of Act, XXVII of 1974.—In the Members of Parliament {Salaries and Mlowanees} Act, 1974 (XX VIE of 1974),—

(i) in section 5, in sub-section (1), in paragraph (c), for the word "Tive", the word "ten " shall be substituted; and

(i) in section 10. in sub-section (2A), for the word "Fifteen", the words "uenty" shall be substituted.

7, Amendment of Sales Tax Act. 1990.—In the Sales Tax Act.

10. ,

(1) insection 2.—

(a) for clause (1), the fotlowine shall he substituted, namely:—

"1) Appelate Tribua]" immeans the Appelate Tribunal Inland Revenue established under section 130 of the Income Tax Ordinance. 2001 CXLAX of 2001)";

(b) in cluuse (2), for the words "officer of Sales Tax", the words "officer of Inland Revenue" shall be substituted;

(c) in clause (3), in sub-clause (f), in entry (iv), for the word "Collector" the ward "Commissioner" shall be substituted:

tdi after clause (4). the following new clause shall be inserted, namely:---

"t4A) "Chief Commissioner" means a person appointed as the Chief Comunissioner inland Revenue under section 30.°;

{ep for chause (5) the following shall be substituted, namely:—

"(5) "Commissioner" means the Commissioner [Inland Revenue appointed under sectian 305";

(f) for clause (15) the following shall be substituted, namely:—

“(15) “focal Inland Revenue office” means the office of Superintendent of Inland Revenue or such other office as the Board may, by notification in the official Gazette, specify.”.

3) for clause (18) the following shall be substituted, namely:—

“(18) “officer of Inland Revenue” means an officer appointed under section 30;”;

(h) in clause (32), after the word, “section” the figure and words, “37C of the Act and till such appointment is made the Special Judge appointed under section” be inserted: and

(i) in clause (46), in sub-clause (c), for the words “Sales Tax Department”, the words “Inland Revenue” and for the word “Collector”, the word “Commissioner” shall respectively be substituted:

in section 3, for the word “sixteen”, wherever occurring, the word “seventeen” shall be substituted:

in section 10, in sub-section (3), for the words “collector of Sales Tax” the words * Commissioner [nland Revenue” shall be substituted:

in section 11,—

(a) in sub-section (1), for the words “Sales Tax” the words “ Inland Revenue” shall be substituted;

(b) in sub-section (2), for the words “Sales Tax” the words “ Inland Revenue” shall be substituted:

(c) in sub-section (4). for the words “ Sales Tax”, occurring twice, the words “ Inland Revenue” shall be substituted;

(a) in sub-section (4). in the proviso, for the word “Collector”, the word “Commissioner” shall be substituted: and

(2) in sub-section (5), for the word “ Collector”, the word “Commissioner” and for the words “ Sales Tax Department”, the words “ inland Revenue” shall respectively be substituted:

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_in section 21, in sub-section (2), for the word "Collector", the word

"Commissioner" shall be substituted;

in section 23, in sub-section (3), for the word "Collector", the word

"Commissioner" shall be substituted:

in section 24, for the word "five", occurring twice, the word "six" shall be substituted and after the word "relate", at the end, the words and commas "or" and "such further period the final decision in any proceedings including proceedings for assessment, appeal, revision, reference, petition and any proceedings before the Alternative Dispute Resolution Committee is finalized" shall be added:

in section 25,—

(a) in sub-section (1),—

(i) for the words "an officer of Sales Tax", occurring for the

first time, the words "Commissioner" shall be substituted;

and

(ii) for the words "such officer of Sales Tax", the words "the

officer of Inland Revenue authorized by the Commissioner"

shall be substituted:

(b) for sub-section (2) the following shall be substituted, namely:—

(2) The officer of Inland Revenue authorized by the Commissioner, on the basis of the record, obtained under sub-section (1), may, once in a year, conduct audit:

Provided that in case the Commissioner has information or sufficient evidence showing that such registered person is involved in tax fraud or evasion of tax, he may authorize an officer of Inland Revenue, not below the rank of Assistant Commissioner, to conduct an inquiry or investigation under section 38;

Provided further that nothing in this sub-section shall bar the officer of Inland Revenue from conducting audit of the records of the registered person if the same were earlier audited by the

(9)

(10) after section 25A, the following new section shall be inserted, namely:—
“254A. Transactions between associates.—The Commissioner or an officer of Inland Revenue may, in respect of any transaction between persons who are associates, determine the transfer price of taxable supplies between the persons as is necessary to reflect the fair market value of supplies in an arm's length transaction.”,

{FE} insertion 26.—

(a) in sub-section (3), for the words “Collector of Sales Tax”, the words “Commissioner Inland Revenue” and in the first proviso, for the words “Sales Tax”, the words “Inland Revenue” shall respectively be substituted; and

(b) in sub-section (4), in the first proviso, the words “in lieu of the audit report” shall be omitted;

(12) in section 27, in clause (b). for the word “Collector”, the word

“Commissioner” shall be substituted;

(13) in section 28, for the word “Collector”, occurring twice, the word

(c)

(d)

(e)

in section 25A, for the words * Sales Tax", the words “ Inland Revenue”

shall be substituted and for the word and comma “collectorue”, the

words “Large Taxpayers Unit or Regional Tax Office, as the case _may be” shall be substituted,

“Commissioner” shall be substituted:

“(3) After completion of the audit under this section or any other

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office of the Auditor-General of Pakistan.”;

for sub-section (3) the following shall be substituted, namely:

provision of this Act, the officer of Inland Revenue may, after obtaining the registered person's explanation on all the issues raised in the audit shall pass an order under section 36 or section 36, as the case may be.”*:

sub-section (4) shall be omitted; and

in sub-section (5), in the first proviso, the words “in lieu of audit

report" shall be omitted; °

(14) for section 30, the following shall be substituted, namely:—

(4)

Appointment of authorities,—(1) For the purposes of this Act, the Board may, appoint in relation to any area, person or class of persons, any person to be—

- (a) a Chief Commissioner Inland Revenue,
- (b) a Commissioner Inland Revenue,
- (c) a Commissioner Inland Revenue (Appeals);
- (d) an Additional Commissioner Inland Revenue;
- (e) a Deputy Commissioner Inland Revenue,
- (f) an Assistant Commissioner Inland Revenue;
- (g) an Inland Revenue Officer;
- (h) a Superintendent Inland Revenue;
- (i) an Inland Revenue Audit Officer; and

(j) an officer of Inland Revenue with any other designation.

The Chief Commissioner Inland Revenue and Commissioner Inland Revenue (Appeals) shall be subordinate to the Board and Commissioner Inland Revenue shall be subordinate to the Chief Commissioner Inland Revenue.

Additional Commissioner Inland Revenue, Deputy Commissioners Inland Revenue, Assistant Commissioner Inland Revenue, Superintendent Inland Revenue, Inland Revenue Audit Officer, and officer of Inland Revenue with any other designation shall be subordinate to the Commissioner Inland Revenue and shall perform their functions in respect of such persons or classes of persons or such areas as the Commissioners, to whom they are subordinate, may direct, .

Deputy Commissioner Inland Revenue, Assistant Commissioner Inland Revenue, Superintendent Inland Revenue, Inland Revenue Audit Officer, Inland Revenue Officer and officer of Inland Revenue with any other designation shall be subordinate to the Additional Commissioner Inland Revenue."

(15) in section 34, for the words "Sales Tax" the words "Inland Revenue" shall be substituted;

(16)

in section 32.—

(a) for sub-section (1), the following shall be substituted, namely:

(b)

in section 32A,—

(a)

“€1) The Board or the Chief Commissioner, with the approval of the Board, may, by an order and subject to such limitation or conditions as may be specified therein, empower by name or designation,— 7

(a)

(b)

(c)

(d}

sub-section (2) shall be omitted,

in sub-section (L),—

(i) after the word “Board”, the words “or the Commissioner” shall be inserted: and

(ii) the words and comma “by notification in the official Gazette,” shall be omitted:

in sub-section (2), for the word “Collector”, the word “Commissioner” shall be substituted; and

in sub-section (3), for the words “ sales tax”, the words “Inland Revenue™ shall be substituted:

any Additional Commissioner Inland Revenue or Deputy Commissioner Inland Revenue to exercise any of the powers of a Commissioner Inland Revenue under this Act;

any Deputy Commissioner Inland Revenue or Assistant Commissioner Inland Revenue to exercise any of the powers of an Additional Commissioner Inland Revenue under this Act;

any Assistant Commissioner Inland Revenue to exercise any of the powers of a Deputy Commissioner Inland Revenue under this Act;

any other vificer of Inland Revenue to exercise a
of the powers of an Assistant Commissioner Inland
Revenue under this Act." and

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in section 33. in the Table, in column {1)— .

(a) against S.No.§, in column (2), for the words, “ Sales Tax not below the rank of Assistant Collector of Sales Tax”, the words “Inland Revenue not below the rank of Assistant Commissioner Inland Revenue” shall be substituted;

(b) against S. No. 1 aguini entry (a), for the words, “sales tax” the words, “Inland Revenue” shall be substituted; and

(c) . against S.No.18, in column (2), for the words, “Sales Tax”, wherever occurring, the wards “Inland Revenue” shall be substituted;

in section 36, in sub-section (3), for the words “Sales Tux”, the words

“Inland Revenue” and in the proviso, for the word “Coliector” the

ward “Commissioner” shal! be respectively substituted;

in sectian 37, for the words "Sales Tax", wherever occurring, the

words “ Inland Revenue” shall be substituted;

in section 37A,—

(a) in sub-section (1), for the words and camma “Sales Tax, not below the rank of an Assistant Collector of Sales Tax”, the words

‘and comma “Inland Revenue, not below the rank of an Assistant Commissioner Inland Revenue” shail be substituted; and

(b) in sub-section (4), for the word “Collector”, the word “Commissioner” shall be substituted;

afler seclion 37B, the fallowing new sections shall be inserted,

namely,—

“37C, Special Judges.--(1) The Federal Gavernment may by

(2)

notificution im the official Gazette, appoint as many Special Judges us il considers necessary and, where it appoinis more than one Special Judge, it shall specify in the notification the headquarters of each Special Judge and the territorial limits within which he shall exercise jurisdiction under this Act.

No person shall be appointed as a Special Judge unless he is or has been a Sessions Judge.

Cognizance of offences by Special Judges.—(1)

Notwithstanding anything contained in this Act or any other law for the time being in force, a Special Judge may, within the limits of his jurisdiction, take cognizance of any offence punishable under this Act,—

(a) upon a report in writing made by an officer of Inland Revenue or by any other officer especially authorized in this behalf by the Federal Government; or

(b) upon receiving a complaint or information of facts constituting such offence made or communicated by any person; or

(c) upon his own knowledge acquired during any proceeding before him under this Act or under any other law for the time being in force,

Upon the receipt of report under clause (a) of sub-section (1), the Special Judge shall proceed with the trial of the accused.

Upon the receipt of a complaint or information under clause (b), or acquired in the manner referred to in clause (c) of sub-section (1), the Special Judge may, before issuing a summon or warrant for appearance of the person complained against, hold a preliminary inquiry for the purpose of ascertaining the truth or falsehood of the complaint, or direct any Magistrate or any officer of Inland Revenue or any police officer to hold such inquiry and submit a report, and such Magistrate or officer shall conduct such inquiry and make report accordingly.

If, after conducting such inquiry or after considering the report of such Magistrate or officer, the Special Judge is of the opinion that,—

(a) there is no sufficient ground for proceeding, he may dismiss the complaint, or

(b) there is sufficient ground for proceeding, he may proceed against the person complained against in accordance with law.

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A Special Judge or a Magistrate or an officer holding inquiry under sub-section {3} may hold such inquiry, as early as possible, in accordance with the provisions of section 202 of the Code of Criminal Procedure, 1898(Act V of 1898).

Special Judge, etc. to have exclusive jurisdiction.—
Notwithstanding anything contained in this Act or in any other law for the time being in force,—

(a) no court other than the Special Judge having jurisdiction, shall try an offence punishable under this Act;

(b) no other court or officer, except in the manner and to the extent specifically provided for in this Act, shall exercise any power, or perform any function under this Act;

(c) no court, other than the High Court, shall entertain, hear or

decide any application, petition or appeal under chapters XXX and XXX] of the Code of Criminal Procedure, 1898 (Act V of 1898), against or in respect of any order or direction made under this Act, and

(d) no court, other than the Special Judge or the High Court, shall] entertain any application or petition or pass any order or give any direction under chapters XXXVII, XXXIX, XLIV or XLV of the aforesaid Code.

Provisions of Code of Criminal Procedure, 1898, to apply.—
(L) The provisions of the Code of Criminal Procedure, 1898(Act V of 1898), so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings of the court of a Special Judge and such court shall be deemed to be a court of Sessions for the purposes of the said Code and the provisions of Chapter XXIIA of the aforesaid Code, so far as applicable and with the necessary modifications, shall apply to the trial of cases by the Special Judge under this Act. :

For the purposes of sub-section (1), the Code of Criminal Procedure, 1898(Act V of 1898}, shall have effect as if an offence punishable under this Act were one of the offences referred to in sub-section (1) of section 337 of the said Code.

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37G = Transfer of cases—{!} Where more than one Special Judge

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37H.”

(2)

are appointed within the territorial jurisdiction of a High Court, the High Court, and where more than one Special Judge is so appointed, the Federal Government, may, by order in writing direct the transfer, at any stage of the trial, of any case from the court of one Special Judge to the Court of another Special Judge for disposal, whenever it appears to the High Court or, as the case may be, the Federal Government, that such transfer may promote the ends of justice or tend to the general convenience of the Parties or witnesses.

In respect of a case transferred to a Special Judge under sub-section (1), such Special Judge shall not by reason of the said transfer, be bound to recall] and reheat any witness whose evidence has been recorded in the case before the transfer and may act upon the evidence already recorded or produced before the court which tried the case before the transfer.

Place of sittings.—A Special Judge shall ordinarily hold sittings at his headquarters but, keeping in view the general convenience of the parties or the witnesses, he may hold sittings at any other place.

Appeal to the High Court.—(i) Any person, including the Federal Government, the Board, the Commissioner or Director of Intelligence and Investigation or any other officer authorized in this behalf by the Board, aggrieved by any order passed or decision made by a Special Judge under this Act or under the Code of Criminal Procedure, 1898 (Act V of 1898), may, subject to the provisions of Chapters XX XI and XXXII of the said Code, within sixty days from the date of the order or decision, prefer an appeal to the High Court.

Except as otherwise provided in sub-section (1), the provisions of the Limitation Act, 1908 (1X of 1908), shall apply to an appeal preferred under sub-section (L).”;

in section 38, in sub-section (1) after the word, “Board”, the words, “or the Commissioner” shall be inserted:

in section 38A, for the ward “Collector”, occurring twice, the word
“Commissioner” shall be substituted:

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in section 38B,—

(a) in sub-section (1);

(i) for the words “Collector of Sales Tax”, the words “Commissioner [Inland Revenue]” shall be substituted;

(ii) in clause (a), for the words “Sales Tax”, the words “Inland Revenue” shall be substituted;

(iii) in clause (b), for the words “Sales Tax”, the words “Inland Revenue” shall be substituted; and

(iv) in clause (c), for the words “Sales Tax”, the words “Inland Revenue” shall be substituted;

(b) in sub-section (2), for the words “Sales Tax”, occurring twice, the words “Inland Revenue” shall be substituted; and

(c) in sub-section (4), for the words “Sales Tax”, occurring twice, the words “Inland Revenue” shall be substituted;

in section 40, in sub-section (L), for the words “Sales Tax”, the words “[Inland Revenue]” shall be substituted;

in section 40B,—

- (a) for the words “sales tax”, wherever occurring, the words “Inland Revenue” shall be substituted; and

(b) for the word “Collector”, the word “Commissioner” shall be substituted;

section 45 shall be omitted;

in section 454,—

(a) in the marginal note, for the word “Collector”, the word “Commissioner” shall be substituted;

{b) in sub-section {1}, for the words "Sales Tax", the words "Inland Revenue" shall be substituted: and

(c) in sub-section (4), for the word "Collector", the word "Géffomissioner" and for the words "Sales Tax" the words "Inland Revenue" shall be respectively substituted;

(30) in sub-section 45B,—

(a) for sub-section (1), the following shall be substituted, namely:

(1) Any person, other than the Sales Tax Department, aggrieved by any decision or order passed under sections 10, 11, 25, 36, or 66, by an officer of Inland Revenue may, within thirty days of the date of receipt of such decision or order, prefer appeal to the Commissioner Inland Revenue (Appeals):

Provided that an appeal preferred after the expiry of thirty days may be admitted by the Commissioner Inland Revenue (Appeals) if he is satisfied that the appellant has sufficient cause for not preferring the appeal within the specified period:

Provided further that the appeal shall be accompanied by a fee of one thousand rupees to be paid in such manner as the Board may prescribe.;"

(b) in sub-section (2), for the words "Collector of Sales Tax", the words "Commissioner Inland Revenue" and in the first proviso] for the word "Collector", the word "Commissioner" shall respectively be substituted; and

{c) in sub-section (3), for the words "Collector of Sales Tax", the words "Commissioner Inland Revenue" shall be substituted;

(31) in section 46,—

(a) in sub-section (1).—

G) for the word "Collector" the word "Commissioner" and for the words "Sales Tax", the words "Inland Revenue" shall be respectively substituted:

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(ii) in clause (a), for the words "Collector of Sales Tax", the words "Commissioner Inland Revenue" shall be substituted: and

(ii) in clause (b), for the words "Collector of Sales Tax" the words "Commissioner Inland Revenue" shall be substituted;

in sub-section (2), for the words, figures, commas and brackets "194A, 194B, 194C of the Customs Act, 1969 (LY of 1969)", the figures, comma, wands and brackets "131 and 132 of the Income Tax Ordinance, 2001 (XLIX of 2001)" shall be substituted; and

alter sub-section (2), the following new sub-section shall be inserted, namely,

"(2A) All appeals and proceedings under this Act pending before the Customs, Excise and Sales Tax Appellate Tribunal constituted under section 194 of the Customs Act 1969 (TV of 1969) shall stand transferred to the Appellate Tribunal constituted under section 130 of the Income Tax Ordinance 2001 (XLIX of 2001) with effect from the 28th day of October, 2009.";

in section 47.—

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(c)

(d)

in sub-section (L), for the words "Sales Tax", the words "Inland Revenue", for the word "Collector", occurring twice, the words "Commissioner" and for the figure "5" the figure "2" shall respectively be substituted;

in Sub-section (7), in the proviso, for the word "Collector", occurring twice, the word "Commissioner" shall be substituted;

in sub-section (10), for the word "Collector", occurring twice, the word "Commissioner" shall be substituted; and

in sub-section (11), for the word "Collector", occurring thrice, the word "Commissioner" shall be substituted;

(33) in section 47A,—

(a)

in sub-section (2), for the words “Sales Tax not below the rank of Additional Collector”, the words “Inland Revenue not below the rank of Additional Commissioner” shall be substituted; and

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"56. Service of orders, decisions, etc.—{1) Subject to this Act!

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(b) in sub-section (3), for the words "Sales Tax", the words "Inland Revenue" shall be substituted:

in section 48, in sub-sections (1) and (2), for the words "Sales Tax", the words "Inland Revenue" shall be substituted;

in section 49A,—

(a) in sub-section (1), for the word "Collector", the word "Commissioner" shall be substituted;

(b) in sub-section (2), for the word "Collector", occurring twice, the word "Commissioner" shall be substituted:

(c) in sub-section (3), for the word "Collector", the word "Commissioner" shall be substituted:

(d) in sub-section (4), in clause (a), for the word "Collector"], occurring twice, the word "Commissioner" shall be substituted and :

(e) in sub-section (6), for the word "Collector", the word "Commissioner" shall be substituted;

in section 52, for the words "Sales Tax", the words "Inland Revenue" shall be substituted:

in section 55, for the words "Sales Tax", the words "Inland Revenue" shall be substituted:

for section 56, the following shall be substituted, namely:—

any notice, order or requisition required to be served on a resident individual, other than in a representative capacity, for the purpose of this Act shall be treated as properly served on the individual: if—

(a) personally served on the individual or, in the case of a resident individual under a legal disability or a non-resident individual, on the representative of the individual;

(b) sent by registered post or courier service to the place specified in clause (b) of sub-section (2) or to the individual's usual or last known address in Pakistan; or

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(c) served on the individual in the manner prescribed for service of a summons under the Code of Civil Procedure, 1908 {Act V of 1908}. '

Subject to this Act, any notice, order or requisition required to be served on any person, other than a resident individual to whom sub-section (1) applies, for the purposes of this Act, shall be treated as properly served on the person if—

(a) personally served on the representative of the person,

(b) sent by registered post or courier service to the person's registered office or address for service of notices under this Act, in Pakistan, or where the person does not have

" such office or address, the notice is sent by registered post to any office or place of business of the person in Pakistan;
2 Or

(c) served on the person in the manner prescribed for service of a summons under the Code of Civil Procedure, 1908 (Act V of 1908).

Where an association of persons is dissolved, any notice, order or requisition required to be served under this Act, on the association may be served on any person who was the principal officer or a member of the association immediately before such dissolution.

Where business stands discontinued, any notice, order or requisition required to be served under this Act, on the person discontinuing the business may be served on the person personally or on any individual who was the person's representative at the time of discontinuance. -

The validity of service of a notice under this Act shall not be called into question after the notice has been complied with in any manner";

in section 58A,—

(a)

in sub-section (3), in clause (f), for the word "Collector", the word "Commissioner" shall be substituted; and

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(>) in sub-section (4), for the word "Collector", the word "Commissioner" shall be substituted;

in section 58B, in sub-section (4), for the word "Collector", the word "Commissioner" shall be substituted;

in section 66, for the word "Collector", occurring twice, the word "Commissioner" and for the words "Sales Tax", the words "Inland Revenue" shall respectively be substituted,

in section 69, for the words "Sales Tax not below the rank of Assistant Collector", the words "Inland Revenue not below the rank of Assistant

Commissioner" shall be substituted;

in section 72, for the words " Sales Tax", the words "Inland Revenue" shall be substituted; :

after section 72, the following new section shall be inserted, namely:—

"72A. Reference to authorities.—Any reference to Collector.

(45)

Additional Collector, Deputy Collector, Assistant Collector, Superintendent, Senior Auditor and an Officer of Sales Tax, wherever occurring, in this Act and the rules, notifications, clarifications, general orders or orders made or issued thereunder, shall be construed as reference to Commissioner Inland Revenue, Additional Commissioner Inland Revenue, Deputy Commissioner Inland Revenue, Assistant Commissioner Inland Revenue, Superintendent Inland Revenue, Inland Revenue Audit Officer and an officer of Inland Revenue, respectively.",

after section 724 the following new section shall be inserted, namely—

"72B. Selection for audit by the Board.—(1) The Board may select

persons or classes of persons for audit of tax affairs through computer ballot which may be random or parametric as the Board may deem fit. :

(2) Audit of tax affairs of persons selected under sub-section (1)

shall be conducted as per procedure given in section 25 and all
the provisions of this Act shall apply accordingly.

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(3) For the removal of doubt it is hereby declared that the Board shall be deemed always to have had the power to select any persons or classes of persons for audit of tax affairs under this section."; -

in section 73, in the Explanation, for the word "Collector", the word "Commissioner" shall be substituted; and '

in section 74, for the word "Collector", the word "Commissioner" shall be substituted, and

this section, except the provisions of sub-sections (2), (22) and (44). shall take effect and shall be deemed to have taken effect from the 5th June, 2010.

After amendment of Ordinance, XLIX of 2001.—In the Income Tax

Ordinance, 200] (XLIX of 2001), the following further amendments shall be made,

namely:—

(1)

in section 2,—

(a) for clause (2), the following shall be substituted, namely:—

"(2) "Appellate Tribunal" means the Appellate Tribunal Inland Revenue established under section 130:";

(b) after clause (1) A), the following new clause shall be inserted. namely:—

"(11B) "Chief Commissioner" means a person appointed as Chief Commissioner Inland Revenue under section 208 and includes a Regional Commissioner of Income Tax and a Director-General of Income Tax and Sales Tax;";

(c) for clause (13), the following shall be substituted, namely: —

"(13) "Commissioner" means a person appointed as Commissioner [Inland Revenue under section 268 and includes any other authority vested with all or any of the powers and functions of the Commissioner,";

(d) for clause (13A), the following shall be substituted, namely:—

“(13A) “Commissioner (Appeals)” means a person appointed as

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208;”;

Commissioner Inland Revenue (Appeals) under section

(e) for clause (29C) the following shall be substituted, namety:—

“(29C) “Industrial undertaking” means—

(a) an undertaking which is set up in Pakistan and which employs,—

{i)

fii)

ten or more persons in Pakistan and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal energy: or

twenty or more persons in Pakistan and does not involve the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal energy:

and which is engaged in,~

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{u)

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the manufacture of goods or materials or the subjection of goods or materials ta any process which substantially changes their original condition; or

ship-building; or
generation, conversion, transmission or distribution of electrical energy, or the supply of hydraulic power; or

the working of any mine, oil-well or any other source of mineral deposits; and

(>) any other industrial undertaking which the Board may by notification in the official gazette, specify.”;

(3)

(4)

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(f) after clause (38), the following new clause shall be inserted,
namely:— .

- *(38A) “Officer of Inland Revenue” means any Additional

Commissioner Inland Revenue, Deputy Commissioner

Inland Revenue, Assistant Commissioner Inland Revenue,

Inland Revenue Officer, Inland Revenue Audit Officer or

any other officer however designated or appointed by the
“Board for the purposes of this Ordinance;”; and

{2} in clause (41), in clause (c), for the word “connect” the word
“connected” shall be substituted;

{h) clauses {48A) and (65) shall be omitted;
in section 4.—

(a) in sub-section (1), for the words and letters “Division] or LI” the
words, comma and letters “Division I, [B or II” shall be
substituted; and .

(b) in sub-section (4), in clause {b), for the word “or” occurring for
the second time, the word “of” shall be substituted;

in section 13, in sub-section (7), for the full stop, at the end, a colon
shall be substituted and thereafter the following proviso shall be added,
namely: — :

“Provided that this sub-section shall not apply to such benefit
arising to an employee due to waiver of interest by such employee on
his account with the employer.”,

in section 22, in sub-section (3), for the word “were”, the word “was”
shall be substituted;

in section 37,—

{a) in sub-section (3), after the word “year” the words, the comma,
brackets and figures “other than shares of public companies
including the vouchers of Pakistan Telecommunication
Corporation, modaraba certificates or any instrument of

redeemable capital as_ defined in the Companies Ordinance 1984 (XLVIF of 1984)," shall be inserted; and

(b) in sub-section (5), in clause (a), the brackets and wards "(noi being stocks and shares)" shall be omitted;

(6) after section 37, the following new section shall be inserted, namely:

"37A. Capital gain on disposal of securities—{1} The capital gain arising on or after the first day of July 2010, from disposal of securities held for a period of less than a year, shall be chargeable to tax at the rates specified in Division VI of Part I of the First Schedule:

Provided that this section shall not apply if the securities are held for a period of more than a year:

Provided further that this section shall not apply to a banking company and an insurance company

(2) The holding period of a security, for the purposes of this section, shall be reckoned from the date of acquisition (whether before, on or after the thirtieth day of June, 2010) to the date of disposal of such security falling after the thirtieth day of June, 2010.

(3) For the purposes of this section "security" means share of a public company, voucher of Pakistan Telecommunication Corporation, Modaraba Certificate, an instrument of redeemable capital and derivative products.

(4) Gain under this section shall be treated as 2 separate blocks of income.

(5) Notwithstanding anything contained in this Ordinance, where a person sustains a loss on disposal of securities in a tax year, the loss shall be set off only against the gain of the person from any other securities chargeable to tax under this section and no loss shall be carried forward to the subsequent tax year";

(7) after section 65A, the following new sections shall be inserted. namely:—

"oSB: Tax credit for investment.—(1) Where a taxpayer being a company invests any amount in the purchase of plant and

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machinery, for the purposes of balancing, modernization and replacement of the plant and machinery, already installed therein, in an industrial undertaking set up in Pakistan and owned by it, credit equal to ten per cent of the amount so invested shall be allowed against the tax payable by it in the manner hereinafter provided.

The provisions of sub-section (1) shall apply if the plant and machinery is purchased and installed at any time between the first day of July, 2010, and the 30th day of June, 2015.

The amount of credit admissible under this section shall be deducted from the tax payable by the taxpayer in respect of the tax year in which the plant or machinery in the purchase of which the amount referred to in sub-section (1) is invested and installed.

Where no tax is payable by the taxpayer in respect of the tax year in which such plant or machinery is installed, or where the tax payable is less than the amount of credit, the amount of the credit or so much of it as is in excess thereof, as the case may be, shall be carried forward and deducted from the tax payable by the taxpayer in respect of the following tax year, and so on, but no such amount shall be carried forward for more than two tax years, however, the deduction made under sub-section (2) and this sub-section shall not exceed in aggregate the limit specified in sub-section (1).

Where any credit is allowed under this section and subsequently it is discovered by the Commissioner Inland Revenue that any one or more of the conditions specified in this section was, or were, not fulfilled, as the case may be, the credit originally allowed shall be deemed to have been wrongly allowed and the Commissioner Inland Revenue may, notwithstanding anything contained in this Ordinance, re-compute the tax payable by the taxpayer for the relevant year and the provisions of this Ordinance shall, so far as may be, apply accordingly.—

65C. Tax credit for enlistment.—(4) Where a taxpayer being a Company opts for enlistment in any registered stock exchange in Pakistan, a tax credit equal to five per cent of the tax payable shall be allowed for the six years in which the said company is enlisted.”;

(8) * if section 87, after sub-section (2), the following new sub-section shall be inserted, namely:— ,

“(2A)” The liability under this Ordinance shall be the first charge On the deceased's estate.”;

(9) insection 111,—

◦ (a) in sub-section (2), for the words, “immediately preceding the financial years in which it was discovered by the Commissioner” the words “to which such amount relates.” shall be substituted

(b) in. sub-section (3), for the words “immediately preceding the

. financial year in which the difference is discovered” the words

and comma “to which the investment, valuable article or the expenditure relates” shall be substituted;

(c) in seb-section (4),—

(i) -in clause (a), for the semicolon and the word, “, and” the} “full stop” shall be substituted; and

(ii) clause (b) shall be omitted,

(10) insection 113,—

(a) in sub-section (1},—

{i) after the word “compuny” the comma, words, brackets

and figures “, an individual (having camover of fifty million ; Tupees'or above in the tax year 2009 or in any subsequent “tax yélir) and an associalion of persons (having turnover of “ fifty million rupees or above in the tax year 2007 or in any “* subsequent tax year)” shall be inserted; and

Gi) in clause (c), for the word “one-hall” the werd “one” shall

0) . in sub-section Q). im clause {b), for the word “one-half” the word ' “one” shall{ be substituted;

CH} insection LL4,—

(a) for sub-section (6), the following shall be substituted, namely:—

“(6) Subject to sub-section (6A), any person who, having furnished a return, discovers any omission or wrong statement therein, may file revised return subject to the following conditions, namely:—

(a) it is accompanied by the revised accounts or revised audited accounts, as the case may be; and

(b) the reasons for revision of return, in writing, duly signed, by the taxpayers are filed with the return”,

(b) after sub-section (6), substituted us aforesaid, the following new sub-section shall be inserted, namely:—

“(64) If a taxpayer wishes to file a revised return voluntarily along with deposit of the amount of tax short paid or amount of tax sought to be evaded along with the default surcharge, whenever it comes to his notice, before receipt of notice under sections 177 or sub-section (9) of 122, no penalty

: shall be recovered from him:

Provided that in case the taxpayer wishes to deposit the amount of tax as pointed out by the Commissioner during the audit or before the issuance of notice under sub-section (9) of section 122, he shall deposit the amount of tax sought to be evaded, the default surcharge and twenty-five per cent of the penalties leviable under the Ordinance along with the revised return:

Provided further that in case the taxpayer wishes to revise the return after the issuance of a show cause notice under sub-section (9) of section 122, he shall deposit the amount of tax sought to be evaded, default surcharge and fifty per cent of the leviable penalties under the Ordinance along with the revised return and thereafter, the show cause notice shall stand abated,”;

(12) insection 115, sub-section (4B), shall be omitted,

(13) in section 116, 'after sub-section (2), the following new sub-section shall be added, namely:—

(14)

(a)

(b)

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"(ZA) Where a person files a return in response to a provisional assessment under section 122C, he shall furnish a wealth statement for that year along with that return and such wealth statement shall be accompanied by a wealth reconciliation Statement and an explanation of sources of acquisition of assets specified therein.";

after sub-section (3), the following new sub-section shall be added, namely:—

44) Every person (other than a company) filing statement under

sub-section (4) of section 115, falling under final tax regime (FTT) and has paid tax amounting to thirty-five thousand rupees or more for the tax year, shall file a wealth statement alongwith reconciliation of wealth statement.";

in section 118, for sub-section (3) the following shall be substituted, namely :—

"(3)

A return of income for any person (other than a company), an Annual Statement of deduction of income tax from salary, filed by the employer of an individual or a statement required under sub-section (4) of section [15 shall be furnished as per the following schedule, namely:—

(a) in the case of an Annual Statement of deduction of income tax from salary, filed by the employer of an individual, return of income through e-portal in the case of a salaried person or a statement required under sub-section (4) of section 115, on or before the 31st day of August next following the end of the tax year to which the return, Annual Statement of deduction of income tax from salary, filed by the employer or statement relates.

(b) in the case of a return of income for any person (other than a company), as described under clause (a), on or before the 30th day of September next following the end of the tax year to which the return relates.";

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in section {19, in sub-section (6), for the words “additional tax”, the words “default surcharge” shall be substituted;

in section 120, in sub-section (1A) for the words, “select a person for an audit of his income tax affairs” the words, “conduct audit of the income tax affairs of a person” shall be substituted;

in section 121, in sub-section {1},—

(a) clause (a) shall be omitted;

(b) after the words “taxable income” the words “or income” shall be inserted; and

(e) in clause {d} alter the word, “accountants”, the words, “or a firm of cost and management accountants” shall be inserted;

in section 122,—

(a) in sub-section (3), after the brackets and figures “(6)” the word, brackets, figure and letter, “or (6A)” shall be inserted; ,

(b) in sub-section (4), after the figure and brackets, “(1)”, the word, “or” shall be substituted by a comma and after the figure and brackets “(3)” the word, figures and brackets “or (5A)” shall be added and shall have effect from the first day of July, 2003; and

(c) after sub-section (5A) the following new sub-section shall be inserted, namely:—

“(SAA) In respect of any subject matter which was not in dispute in an appeal the Commissioner shall have and shall be deemed always to have had the powers to amend or further amend an assessment order under sub-section (5A).”;

in section 122A, in sub-section (1), for the words “taxation officer” the words “Officer of Inland Revenue” shall be substituted;

(20) after section 122B, the following new section shall be inserted, namely:—

“122C,

(2}

Provisional assessment.—{()} Where in response to a notice under sub-section (3) or sub-section (4) of section 114 a person fails to furnish return of income for any tax year, the Commissioner may, based on any available information or material and to the best of his judgment, make a provisional assessment of the taxable income or income of the person and issue a provisional assessment order specifying the taxable income or income assessed and the tax due thereon,

Notwithstanding anything contained in this Ordinance, the provisional assessment order completed under sub-section (1) shall be treated as the final assessment order after the expiry of sixty days from the date of service of order of provisional assessment and the provisions of this Ordinance shall apply accordingly:

Provided that the provisions of sub-section (2) shall not apply if return of income alongwith wealth statement, wealth reconciliation statement and other documents required under sub-section (2A) of section 116 are filed by the person for the relevant tax year during the said period of sixty days.”,

(21) in section 124, in sub-section (2),—

(a)

(b)

(ec)

the words and brackets, “Commissioner (Appeals)” occurring for the first time shall be omitted.

for the word, “make”, wherever occurring the word “pass” shall be substituted; and

in the proviso,—

(i) the words and comma, “setting aside the assessment,” shall be omitted; and

(ii) the words and brackets “a Commissioner (Appeals)” shall be omitted;

(22)

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in section 127,—

(a) in sub-section (1), the figures and commus “183, 184, 185, 186, 187, 188, 189” shall be omitted: and

(b) in sub-section (4), in clause (a), the words, “or ten per cent of the tx assessed” shall be omitted.

in section 130, for sub-section (4) the following shall be substituted,

namely:—

“(4) A person may be appointed as an accountant member of an appellate tribunal if, — :

(a) he is an officer of Inland Revenue equivalent to the rank of Regional Commissioner, or

(bp) a Commissioner Inland Revenue or Commissioner Inland Revenue (Appeals) having at least five years experience as Commissioner or Collector.”;

in section 134A,—

fa) in sub-sectian (2) the words, “Income Fax”. occuring for the first time the wards “Inland Revenue” shall be substituted:

(b) in sub-section (3) forthe words, “Income Fax”, the words “Intand Revenue” shall be substituted;

in section 137,—

(a) in sub-section (2), for the full stop, at the end, 2 colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the lax payable as a resule of provisional ussessment under section 122C, as specified in the notice under sub-section (2) shall be payable after a period of sixty days from the date of service al the notice”;

fb) in sub-section (6). for the words “additional tax” the words “defuull surcharge” shall be substituted;

-(26) after section 138A, the following new section shall be added, namely:

“138B. Estate in bankruptcy. J) If a taxpayer is declared bankrupt,

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in section L46B, in sub-section (1), for the words “additional tic’ thy words “ default surcharge” shall be substituted;

in section 147,—

“(a)

(by

(c)

(d)

“(e)

{fy

“(SA) Advance tax shall be payable by an association of persons|

the tax liability under this Ordinance shall pass on to the estate in bankruptcy.

If tax liability is incurred by an estate in bankruptcy, the tax shall be deemed to be a current expenditure in the operations of the estate in bankruptcy and shall be paid before the claims preferred by other creditors are settled.”;

in sub-section (1), clause (a) shall be omitted;

in sub-section (2),—

(i) the words “or association of persons” shall be omitted; and
(ii) for the word “two” the word “five” shall be substituted;

in sub-section (4), after the word “is” occurring for the first time, the words “an association of persons or” shall be inserted;

in sub-section (4B),—

(i) the words “or an association of persons” shall be omitted and

(ii) for the word “two” the word “five” shall be substituted;

in sub-section (5) the words “or an association of persons” shall be omitted;

for sub-section (SA) the following shall be substituted, namely:

or accompany to the Commissioner—

(a) in respect of the September quarter, on or before the 25th day of September,

(b) in respect of the December quarter, on or before the 25th day of December;

(c) in respect of the March quarter, on or before the 25th day of March; and .

(d) in respect of the June quarter, on or before the 15th day of June.”; and

(z) after section (5A), amended as aforesaid, the following new sub-section shall be inserted, namely:—

“(SB) Adjustable advance tax on capital gain (from sale of securities shall be chargeable as under, namely:—

TABLE

s. No Period _ Rate of Advance Tax ~

rr ee

a ~ Where holding period of a security ~ 2% of the capital gains is less than six months. derived during the quarter.

2. Where holding period of a security 1.5% of the capital gains is more than six months but less than derived during the quarter: twelve months.

Provided that such advance tax shall be payable to the Commissioner within a period of seven days after the close of each quarter,

Provided further that the provisions of this sub-section shall not be applicable to individual investors.”;

(29) in section 148, in sub-section (7), after the word “tax” occurring for the second time, the words, brackets and figure “except as provided under sub-section (8)” shall be inserted;

(30) — in section 152, in sub-section (2), after brackets, figure and letter “(LA)” the comma, brackets, figure and letters “, (LAA)” shall be inserted; ::

(31) in section 153, in sub-section (9), in clause (g), for the words, “and onwards” the words “or in any subsequent tax year shall be substituted;

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(33)

(34)

(35)

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and after clause (g), amended as aforesaid, the following new clause shall be inserted, namely:—

“(h) an individual, having turnover of fifty million rupees or above in the tax year 2009 or in any subsequent tax year.”;

in section 155. sub-section (2) shall be omitted:

in section 161, in sub-section (1 B), for the words “additional tax” the words * default surcharge” shall be substituted:

in section 162, in sub-section (2) for the words “additional tax” the words “ default surcharge” shall be substituted;

in section 165,—

(a) in sub-section (1}{),—

(i) the words and comma “within two months after the end of the financial year or within such further time as the Commissioner may allow by order in writing,” shall be omitted:

(0) for the words “the financial year”, the words “each quarter” shall be substituted,

Gii} in clause (a), for the words “the year”, at the end, the words “each quarter” shall be substituted:

fiv) in clause (b), for the words “the year”, at the end, the words “each quarter” shall be substituted:

(v) in clause (c), for the words “the year”, at the end, the words “each quarter” shall be substituted: and

(vi) in clause (d), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:— :

“Provided that every person as provided in sub-section (1) shall be required to file withholding statement

(36)

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even where no withholding tax is collected or deducted during the period.”,

(b) for sub-section (2) the following shall be substituted, namely: —

(2) Every prescribed person collecting tax under Division 1] of this Part or Chapter XTI or deducting tax under Division ITT of this Part or Chapter XI[shall furnish statements under

. sub-section (1) as per the following schedule, namely:—

(a) in respect of the September quarter, on or before the 20th day of October: :

(b) in respect of the December quarter, on or before the 20th day of January;

(c) in respect of the March quarter, on or before the 20th day of April; and

(ad) in respect of the June quarter, on or before the 20th day of July.”; and

{c) in sub-section (4), for the brackets and figure “(2)” the brackets and figure “¢1)” shall be substituted;

in section L69,—

(a) in sub-section ¢ L), in clause (b) after the words and digits, “section 154” the words, digits and comma, “section 155,” may be omitted.

fb) in sub-section (3) the word “and” may be substituted by a “comma” and after the figure “7” the word and figure “and 15” may be inserted.

(c) after sub-section (3), the following Explanation may be added namely:—

“Explanation.—The expression, “an assessment shall be treated to have been made under section 120” means,—

(a) the Commissioner shall be taken to have made an assessment of income for that tax year, and the tax due thereon equal to those respective amounts specified in the

(37)

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return of Statement under sub-section (4) of section 115;

and

{b) the return or the statement under sub-section (4) of section 115 shall be taken for all purposes of this Ordinance to be an assessment order.” :

in section 174,—

(a)

(b)

in sub-section (3), for the word “five” the word “six” shall be substituted; and

for the full stop at the end, a colon shall be substituted and thereafter the following proviso and the explanation shall be added, namely:

“Provided that where any proceeding is pending before any authority or court the taxpayer shall maintain the record till final decision of the proceedings:

Explanation.—Pending proceedings include proceedings for assessment or amendment of assessment, appeal, revision, reference, petition or prosecution and any proceedings before an Alternative Dispute Resolution Committee.”

in section 176, in sub-section {1}, in clause (¢), for the word and comma “Baard” the words “Board or the Commissioner” shall be substituted:

in section 177,—

(a)

for sub-section (1) the following shall be substituted, namely:—

“(l) The Commissioner may call for any record or documents including books of accounts maintained under this Ordinance or any other law for the time being in force for conducting audit of the income tax affairs of the person and where such record or documents have been kept on electronic data, the person shall allow access to the Commissioner or the officer authorized by the Commissioner for use of machine and software on which such data is kept and the Commissioner or the officer may have access to the

required information and data and duly attested hard copies of such information or data for the purpose of investigation and proceedings under this Ordinance in respect of such person or any other person:

Provided that—

(a) the Commissioner may, after recording reasons in writing call for record or documents including books of accounts of the taxpayer, and

(b) the reasons shall be communicated to the taxpayer while calling record or documents including books of accounts of the taxpayer:

Provided further that the Commissioner shall not call for record or documents of the taxpayer after expiry of six years from the end of the tax year to which they relate.”;

(b) for sub-section (2) the following shall be substituted, namely:—

{c}

(d)

{¢}

“(2)

After obtaining the record of a person under sub-section (1) or where necessary record is not maintained, the Commissioner shall conduct an audit of the income tax affairs {including examination of accounts and records, enquiry into expenditure, assets and liabilities} of that person or any other person and may call for such other information and documents as he may deem appropriate.”:

sub-sections {3},(4) and (5) shall be omitted;

in sub-section (4), the words, brackets and figures “under sub-section (5) or sub-section (8)” shall be omitted;

in sub-section (7), the words, comma, brackets and figure “particularly having regard to the factors in sub-section (4)”, shall be omitted;

(1) insub-section (8),

@) the words, "selected for audit by the Commissioner or by the Board" shall be omitted;

Gi} after the word, "Board" occurring twice the words, "or the Commissioner" shall be added; and

(ii) after the brackets letter, word, figure and commas (X of 1961)", the words, figures and brackets "or a firm of Cost and Management Accountants as defined under the Cost and Management Accountants Act, 1966 (XEV of 1966)" shall be inserted; and

(g) after sub-section (9). the following new sub-section (10) shall be added, namely: —

"(10} Notwithstanding anything contained in sub-sections (2) and (6) where a person fails to produce before the Commissioner or a firm of Chartered Accountants or a firm of Cost and Management Accountants appointed by the Board or the Commissioner under sub-section (8) to conduct an audit, any accounts, documents and records, required to be maintained under section 174 or any other relevant document, electronically kept record, electronic machine or any other evidence [that may be required by the Commissioner or the firm of Chartered Accountants or the firm of Cost and Management Accountants for the purpose of audit or-determination of income and tax due thereon, the Commissioner may proceed to make best judgment assessment under section 121 of this Ordinance and the assessment treated (0 have been made on the basis of return or revised return filed by the taxpayer shall be of no legal effect.":

(40) after section 181, the following new section shall be added, namely:—

"181A, Active taxpayers' list.—{1) The Board shall have the power to Institute active taxpayers" list.

(2). Active taxpayers' list shall be regulated as may be prescribed,"*:

(41) for section 182 the following shall be substituted, namely: —

"182 Offences and penalties—{1} Any person who commits any offence specified in column (2) of the Table below shall, in

at

addition to and not in derogation of any punishment to which he may be liable under this Ordinance or any other law, be liable to the penalty mentioned against that offence in column (3)

thereof:—

S. Ne.

Offences.

1h> 2

. Where any person fails to furnish a copy of the statement as required under section 115 or where the statement or statement under section 16S within the due date,

x

2 Any person who fails to issue a cash memo or invoice a receipt when required under this Ordinance or the rules made thereunder,

A Any person who is required to apply for registration under this Ordinance but fails to make an application for registration.

b. Any person who fails to notify the changes of material mature in the period of registration.

A. Any person who fails to deposit the

amount of late due or any part hereof *

in the amount of late due or any part hereof *

A Any person who repeals or amends a clause in the return for more than one year whereby amounts less than the actual tax payable under this Ordinance is paid.

a

. Any person who fails to maintain, or carry out the requirements under this Ordinance

ac the mules made thereundes,

TABLE

Penaltics.

{3)

Such person shall pay o penalty
equal to 0.1% of the tox puyuble
Jor euch day of default' subject ta
a minimum penalty of five thousand
Fupees and oniakimum penalty of
25% of the tax payable in sespeet
of thal laa year.

Such person shall pay a penalty of
five thusuad mupecs or threc per reser
of the amount of the tux involved.
whicheser is higher. -

Such person shall pay a penalty of
Five themesand iupees.

Such person shall pay a penalty of
five thousund rupees.

Such person shall pay a penalty at
five per cent of the amount uf the
five in defauh,

Bor the second default un additional
peaaly of 25 of the amount of tax
in default.

For the third wad subsequent defaults
an additional penalty of \$0% of the
amonat of tix inv defalt,

Such person shall pay o penaly of
five tRoesand mupecs or three per cent
of the amount af the Wa involved.
whichever is higher.

Such person shall pay a penalty of
jen thousund cupece or five per cens
of the amount of tax on income
whichever is higher.

Sectiun of the
Grdinunce 10
which offense hax
reference.

(4)

114,115,106 und

165

174 and Chapter VII
of the Income Tax
Rules.

161

tal

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174

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Mb

R.

{2}

Where a taxpayer who, without any
teasousbule cuuse, in non-campliance
with the provisions of section 477—

(2) Tails to produce the record or
documents an receipt of first
molice:

'hd fails to produce the recort or

documents on receipt of secund

nalice: and

(ce) Tails te produce the record or

documents on receipty of third

nulice.

Any person who Fails 10 furnish the
information required ay te comply
with any ather term of the notice
served under section 176.

Any person who

(ab makes a farise or miskeading sute-
ment to an inland Revenue
Authority either in writing or
orally ur ckectrionally Including
astatement in i application,
centilicate, declarution, netificu-
dion, rene n, gbjeclion or ather
document including books uf
accMuns ide, prepared, given,
filed or furnished ander this
Ordinanve:

fb} furnishes or Tikes a false or mise
loading information or document
or slatement to an Income Tar
Authority either in writing ar
orally or clectranically,

to) omits from a statement mau or
information furnished to an Income

'Tax Authority any matter or thing without which the statement or the information is false or misleading in any material particular,

Any person who denies or obstructs

the access of the Commissioner or any other authority «by = the Commissioner to the premises, place,

use of documents, computers or SUACKS.

Such person shall pay a penalty of five thousand rupees;

such person shall pay a penalty of ten thousand rupees: and

such person shall pay a penalty of fifty thousand rupees.

Such person shall pay a penalty of five thousand rupees for the first default and ten thousand rupees for each subsequent default.

Such person shall pay a penalty of twenty five thousand rupees or 100% of the amount of tax shortfall whichever is higher:

Provided that in case of an assessment under section 120, no penalty shall be imposed to the extent of the tax shortfall occurring as a result of the taxpayer taking a reasonably unarguable position on the application of this Ordinance to the taxpayers' position

LL4, 11S, 116, 074.
176, 177 and
general

Such person shall pay a penalty of 175 and 177

twenty five thousand rupees or one hundred per cent of the amount of tax involved, whichever is higher.

- Any person

Where a person has concealed income or furnished inaccurate particulars of such income, including but not limited to the suppression of any income or

amount chargeable to tax, the claim-

ing of any deduction for any expenditure net actually incurred of any amount referred to in sub-section (1) of section 114, in the course of any proceeding under this Ordinance before any Income Tax authority or the appellate tribunal,

who obstructs any Income Tax Authority in the performance of his official duties,

Any person who contravenes any of the provisions of this Ordinance for which no penalty has, specifically, been provided in this section.

. Any person who fails to collect

or deduct any amount required under any provision of this Ordinance or fails to pay the tax collected or

Such person shall pay a penalty of (wenly five thousand rupees or an amount equal to the tax which the person sought to evade whichever is higher. However, no penalty shall be payable on mere disallowance of a claim of exemption from tax of any income or amount declared by 2 persons or mere disallowance of any expenditure declared by a person to be deductible, unless it is proved that the person made the claim knowing that he was wrong.

Such person shall pay a penalty of twenty five thousand rupees.

Such person shall pay a penalty of five thousand rupees or three per cent of the amount of tax involved, whichever is higher.

Such person shall pay a penalty of

Uwenly Jive thousand mupecs of the
10% of the amuunt of taa which-
ever is higher.

29, 111 and General

209, 210 and
General.

General.

148, 149, 150, 154,
152, 13. 183A,
154, 155, 156,
156A, 1S6B, 158,
160. 231A, 231B,

233, 233A, 234,
234A, 235, 136.
ABA,

The penalties specified under sub-section {1} shall be applied in a consistent manner and no penalty shall be payable unless an order in writing is passed by the Commissioner, Commissioner (Appeals) or the Appellate Tribunal after providing an opportunity of being heard t the person concerned.

Where a Commissioner (Appeals) or the Appellate Tribunal makes an order under sub-section (2), the Commissioners (Appeals) or the Appellate Tribunal, as the case may be, shall immediately serve 2 copy of the order on the Commissioner and thereupon all the provision of this Ordinance relating to the recovery of penalty shall apply as if the order was made by the

deducted as reqeired under
seclion 160.

{2)
3)

Commissioner.

(4)

Where in consequence of any order under this Ordinance, the amount of tax in respect of which any penalty payable under sub-section (1} is reduced, the amount of penalty shall be reduced aceordingly.”;

(42) for section 183 the following shall be substituted, namely:—

“183. Exemption from penalty and default surcharge.—Th}—

Federal Government may, by notification in (he official Gazett
“or the Board by an order published in the official Gazette fe

reasons to be recorded in writing, exempt any person of class uf
persons from payment of the whole or part of the penalty an
default surcharge payabie under this Ordinance subject to suc
conditions and limitations as may be specified in such notificatio:
or, as the case may be, order.”;

(43) sections 184, 185, 186, 187. 188, L89 and 9G shall be omitted;

(44) in section 262 for the words “additional tax” the words “defaul
surcharge” shall be substituted:

(45) in section 203,—

(a) for sub-section (1) the following shall be substituted, namely:

“(L) | The Federal Goverament may, dy notification in the officia
Gazette, appoint as many Special Judges as il may conside!
necessary, and where it appoints more than one Specia
Judge, it shall specify in the natification the territorial limits
within which each of them shall exercise jurisdiction, ” ;

(b) after sub-section (1), substituted as aforesaid, the following new
sub-sections (1A) and (1B) shall be inserted, naamely:—

“(1A) A Special Judge shall be a person whv is or has been a
Sessions Judge and shall, on appointment, have the
jurisdiction to try exclusively an offence punishable under
this Part other (han an offence referred to in section | 98,

{1B) The provisions of the Code of Criminal Procedure, 1898
(Act V of 1898), except those of Chapter XXX VIII, thereof
shai} apply to the praveedings of the court of a Special
Judge and, for the purposes of the said provisions, the court
of Special Judge shall be deemed to be aC ourt of Sessions
trying cases, und a person conducting prosecution before
the court of a Special Judge shall be deemed to be a Public
Prosecutor,”; and

{c} after sub-section (2), the following new sub-sections (3) and (4) shall be added, namely:— ~

3)

(4)

The Federal Government may, by order in writing, direct the transfer, at any stage of the trial, of any case from the court of one Special Judge to the court of another Special Judge for disposal, whenever it appears to the Federal Government that such transfer shall promote the ends of Justice or tend to the general convenience of parties or witnesses.

In respect of a case transferred to a Special Judge by virtue of sub-section (1) or under sub-section (3), such Judge shall not, by reason of the said transfer, be bound to recall and record again any witness who has given evidence in the case before the transfer and may act on the evidence already recorded by or produced before the court which tried the case before the transfer.”;

(d) after section 203 the following new section shall be inserted, namely: —

“203A,

Appeal against the order of a Special Judge—An appeal against the order of a Special Judge shall lie to the respective High Court of a Province within thirty days of the passing of the order and it shall be heard as an appeal under the Code of Criminal Procedure 1898 (Act V. of 1898) by a single Judge of the High Court.”;

(46) in Chapter X, in Part XI, in the title, for the words “ADDITIONAL TAX”, the words “DEFAULT SURCHARGE” shall be substituted;

(47) in section 205,—

(a) in the heading for the words “Additional tax” the words “Default surcharge” shall be substituted: |

(b) in sub-section (1),—

i)

in clause (a), for the words “additional tax”, the words “default surcharge” shall be substituted; and

(c)

(d)

(e)

(f)

(g)

(h)

46

Gi} after clause (c}, for the words “additional tax”, the words “default surcharge” shall be substituted;

in sub-section (iA), for the words “additional tax” the words “default surcharge” shall be substituted;

in sub-section (1B), for the words “additional tax”, occurring twice, the words “default surcharge” shall be substituted;

in sub-section (2), for the words “additional tax”, the words “deSault surcharge” shall be substituted;

in sub-section (3), for the words “additional tax”, the words “default surcharge” shall be substituted;

in sub-section (5), for the words “additional tax”, occurring twice, the words “default surcharge” shall be substituted; and

in sub-section (6), for the words “additional tax” the words “default surcharge” shall be substituted:

(48) in section 205A,—

(a)

(b)

in the heading, for the words “additional tax”, the words “default surcharge” shall be substituted; and

for the words “additional tak”, occurring twice, the words * default surcharge” shall be substituted;

(49) for section 207, the following shall be substituted, namely:—

“207.

Income tax authorities. —(1) There shall be the following Income Tax authorities for the purposes of this Ordinance and Rules made thereunder, namely:—

ta) Board;

(b) Chief Commissioner Inland Revenue;

{c) Commissioner Inland Revenue;

(d) Commissioner Inland Revenue (Appeals);

(e}) Additional Commissioner Inland Revenue;

(f} Deputy Commissioner Inland Revenue:

— (g) Assistant Commissioner Inland Revenue;

(2)

(3)

(4)

(4A)

(5)

47

{h) Inland Revenue Officer; -

(i) Inland Revenue Audit Officer,

@j) Superintendent Inland Revenue;

(k) Inspector Inland Revenue, and

(= Auditor Inland Revenue.

The Board shall examine, supervise and oversee the general administration of this Ordinance.“

The Chief Commissioners Inland Revenue and Commissioners Inland Revenue (Appeals) shall be subordinate to the Board and Commissioners Inland Revenue, shall be subordinate to the Chief Commissioner Inland Revenue.

Subject 1a sub-section (5), Additional Commissioners Inland Revenue, Deputy Commissioners Inland Revenue, Assistant Commissioners Inland Revenue, Inland Revenue Officers, Inland Revenue Audit Officers; Superintendents Inland Revenue, Auditors Inland Revenue and Inspectors Inland Revenue shall be subordinate to the Commissioners Inland Revenue.

Deputy Commissioners Inland Revenue, Assistant Commissioners Inland Revenue, Inland Revenue Officers, Inland Revenue Audit Officers, Superintendents Inland Revenue, Auditors Inland Revenue and Inspectors Inland Revenue shall be subordinate to the Additional Commissioners Inland Revenue.

An officer vested with the powers and functions of Commissioner shall be subordinate to the Chief Commissioner Inland Revenue.”;

(50) in section 208, for sub-section (1) the following shall be substituted, namely:—

“(Lh

The Board may appoint as many Chief Commissioners Inland Revenue, Commissioners Inland Revenue, Commissioners Inland Revenue (Appeals), Additional Commissioners Inland Revenue, Deputy Commissioners Inland Revenue, Assistant Commissioners Inland Revenue, Inland Revenue Officers, Inland Revenue Audit Officers, Superintendents Inland Revenue,

Inspectors Inland Revenue, Auditors Inland Revenue and such

other executive or ministerial officers and staff as may be necessary.”;

. Gl} insectivun 2069,

(a) for the words “Regional Commissioners” and “Regional Commissioner”, wherever occurring, the words “Chief Commissioners” and “Chief Commissioner” shall respectively be substituted;

(b) in sub-section (2), for the words “taxation officer” the words “officer of Inland Revenue” shall be substituted;

(c) in sub-section (4), for (he words “taxation officer” the words and commas “officer of Inland Revenue” shall be substituted:

(\$2) in section 210, in sub-section (1B), for the word and comma “Boar.” the Words. “Board or the Commissioner” shall be substituted;

(53) insection 210,—

(a) in sub-section (1), for the words “taxation officer” the words and comma “officer of Inland Revenue, subordinate to the Commissioner” shall be substituted;

(6) in sub-section () A), the words “taxation officer below the rank of Additional Commissioner of Income Tax” the words “an office! of Inland Revenue below the rank of Additional! Commissione: Inland Revenue™ shal{ be substituted; and

tc} in sub-section (1B), after the words “chartered accountants’ the words “or a firm of Cost and Management Accountants” shall be inserted; and

(54) insection 211, for the words “a taxation officer”, wherever occurring! the words “an Officer of Inland Revenue” shall be substintited,

(55) after section 214B, a new section may be added, namely:—

- "214C. Selection for audit by the Board—(1) The Board may sele persons or classes of persons for audit of Income Tax affui

(50)

(58)

(2)

(3)

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through computer ballot which may be random or parametric as the Board may deem fit.

Audit of Income Tax affairs of persons selected under sub-section (1) shall be conducted as per procedure given in section 177 and all the provisions of the Ordinance, except the first proviso to sub-section (1) of section 177, shall apply accordingly.

For the removal of doubt it is hereby declared that Board shall be deemed always to have had the power to select any persons or classes of persons for audit of Income Tax affairs.”;

in section 215,—

(a)

(b}

in sub-section (1). for the words “ taxation officer”, occurring twice, the words “officer of Inland Revenue” shall be substituted: and

in sub-section (2), for the words “taxation officer” the words “officer of Inland Revenue” shall be substituted;

in section 217. in sub-section (3),—

{a}

(b)

“(b)

for the words, “laxation officer” the words “Officer of Inland Revenue” shall be stebstituted; and

after the word, “document”, ‘at the end, the words “or if it is computer generated and bears the authentication in the manner prescribed by the Board” shili be added;

“in section 224, for clause (b) the foliowing shall be substituted, namely:—

in the case of an assessment or other proceeding under this Ordinance,—

(i) the period, if any, for which such proceedings were stayed by any Court, Appellate Tribunal or any other authority; or

(ii) the period, if any, for which any proceeding for the tax year remained pending before any Court, Appellate Tribunal or any other authority.”; :

(54) in section 227, the existing section shall be renumbered as sub-section (1) of that section, and after sub-section (1), renumbered as aforesaid the following new sub-section shall be added, namely:—

(60) after section 228, the following new section shall be added, namely:—

“229,

(2)

(61) after section 231A, the following new section shall be inserted, namely:—

“231 AA.

(2)

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Notwithstanding anything contained in any other law for the time being in force, no investigation or inquiry shall be undertaken or initiated by any governmental agency against any officer or official for anything done in his official capacity under this Ordinance, rules, instructions or direction made or issued there-under without the prior approval of the Board.”; :

Directorate General of Training and Research.—(1) The Directorate General of Training and Research shall consist of a Director-General, Additional Director-General and as many Directors, Additional Directors, Deputy Directors, Assistant Directors and such officers as the Board, may, by notification in the official Gazette, appoint,

The Board may, by notification in the official Gazette, specify the functions, jurisdiction and powers of the Directorate General of Training and Research and its officers.”;

Advance tax on transactions in bank,—(1) Every banking company, non-banking financial institution, exchange company or any authorized dealer of foreign exchange shall collect advance tax at the time of sale against cash of any instrument, including Demand Draft, Pay Order, CDR, STDR, SDR, RTC, or any other instrument of bearer nature or on receipt of cash on cancellation of any of these instruments:

Provided that this sub-section shall not be applicable in case of inter-bank or intra-bank transfer and also where payment is made through a crossed cheque for purchase of a financial instrument as referred to in sub-section (1).

Every banking company, non-banking financial institution, exchange company or any authorized dealer of foreign exchange shall collect advance tax at the time of transfer of any sum

Q)

(4)

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against Cash through online transfer, telegraphic transfer, mail transfer or any other mode of electronic transfer,

The advance tax under this section shall be collected at the rate specified in Division VIA of Part IV of the First Schedule, where the sum total of payments for transactions mentioned in sub-section (1) or sub-section (2) as the case may be, exceed twenty-five thousand rupees in a day.

Advance tax under this section shall not be collected in the case of transactions made by,—

(a) the Federal Government or a Provincial Government;
(b) a foreign diplomat or a diplomatic mission in Pakistan; or
(c) a person who produces a certificate from the Commissioner (that its income during the tax year is exempt.),

(62) in section 233, in sub-section (1), after the word "in", the words "Division of" shall be inserted:

(63) in section 233A, in sub-section (2), for the words "minimum tax" the word "adjustable" shall be substituted;

(64) in section 236.—

(a)

(b)

in sub-section (1),—

(i) in clause (a), the word "and" occurring at the end, shall be omitted; and

(ii) in clause (b), for the full stop at the end, the semicolon and word "and", shall be added; and thereafter the following new clause shall be inserted, namely:—

"(c) sale of units through any electronic medium or whatever form.";

after sub-section (3). "the following new sub-section shall be inserted, namely:—

"(3A) The person issuing or selling units through any electronic medium or whatever form shall collect advance tax under sub-section (1) from the purchaser at the time of issuance

or Sale of units.";

(65)

(66)

“236B. Advance tax on purchase of air ticket —{1} There shall be

(67)

(68)

(69)

“239B. Reference to authorities.—Any reference to the Regional

(70)

\$2 ~

in section 236A, in sub-section (1), for the words “confiscated or attached” the brackets and words “{including property or good: confiscated or attached}” shall be inserted;

after section 236A, the following new section shall be inserted
namely:—

collected advance tax at the rate specified in Division [X of Part IV of the First Schedule, on the purchase of gross amount of domestic air ticket.

(2) The person preparing air ticket shall charge advance tax under sub-section (1) in the manner air ticket charges are charged.”:

in section 237, in sub-section {2}, in clause (d). for the words “additional tax”, the words “ default surcharge” shall be substituted;

in Section 239,— *

(a) in sub-section (3), for the words “additional tax”, the words “default surcharge” shall be substituted; and

(b) in sub-section (7), for the words “additional tax”, the words “default Surcharge” shall be substituted:

a

after section 239A, the following new section shall be inserted,
namely: —

* Commissioner of Income Tax, Commissioner of Income Tax, Commissioner of Income Tax (Appeals) and Taxation Officer, wherever occurring, in this Ordinance and the rules made thereunder and notifications, arders, circulars or clarifications or any instrument issued thereunder shall be construed as reference to the Chief Commissioner Inland Revenue, Commissioner Inland Revenue, Commissioner inland Revenue (Appeals) and officer of Inland Revenue, respectively.”;

in section 240, sub-section (2) shall be omitted.

«71)) in the FIRST SCHEDULE,--

fi} in part I—

ta) in Division |—

(i) in the heading, the words “and Association of Persons” shall be omitted;

(i) in clause (1), the words “or Association of Persons” shall be omitted;

(ii) in clause (1), for the TABLE. the following shall be substituted, namely;—

“TABLE

S\$. No, Taxable Income. : Rate of tax.

lo. 2 3

1. Where the taxable income does not exceed Rs,300,000 0%

!2

Where the taxable income exceeds Rs.300,000) 750% and does not exceeds Rs. 500,000

3. Where the taxable income exceeds Rs.500,000 10% but does not exceed Rs. ¥50,000

4. Where the taxable income exceeds Rs.750,000 15% but does not exceed Rs. 1,000,000

§. Where the taxable income exceeds Rs. 1,000,000 20% but does not exceed Rs. 1,500,000

6, Where the taxable income exceeds Rs. 1,500,000 25%."; and

(iv) in clause (1A), the first proviso shall be omitted;

(v) in clause {1 A}, for the TABLE, the following shall be substituted, namely:

“TABLE

Taxable Income

Rate of tax

Where the taxable income exceeds Rs.300,000
but does not exceed Rs.350,000,

Where the taxable income exceeds Rs.350,000
but does not exceed Rs.400,000,

Where the taxable income exceeds Rs.400,000
but does not exceed Rs.450,000,

Where the taxable income exceeds Rs.450,000
but does not exceed Rs.550,000,

Where the taxable income exceeds Rs.550,000
but does not exceed Rs.650,000,

Where the taxable income exceeds Rs.650,000.
but does not exceed Rs.750,000,

Where the taxable income exceeds Rs.746,000
but does not exceed Rs.900,000. .

Where the taxable income exceeds Rs.900,000
but does not exceed Rs. 1,050,000,

Where the taxable income exceeds Rs. 1,050,000
but does not exceed Rs. 1,200,000,

Where the taxable income exceeds Rs. 1,200,000
but does not exceed Rs.1,450,000,

Where the taxable income exceeds Rs.1,450,000
but does not exceed Rs. 1,700,000,

0%

0.75%

1.50%

2.50%

3.50%

4.50%

6.00%: -

7.50%

9.00%

10.00%

11.00%

12.50%

13. Where the taxable income exceeds Rs. 1,700,000 14.00% but does not exceed Rs.1,950,006,

14. Where the taxable income exceeds Rs. 1,950,000 15.00%, but does not exceed Rs.2,250,000,

15. Where the taxable income exceeds Rs.2,250,000 16.00% but does not exceed Rs.2,850,000,

16. Where the taxable income exceeds Rs.2,850,000 17.50% but does not exceed Rs.3,550,000,

17. Where the taxable income exceeds Rs.3,550,000 18.50% but does not exceed Rs.4,550,000,

18. Where the taxable income exceeds Rs.4,550,000, . 20.00%";

(b) in Division 1A, for the figure and sign "G,50%" the words "one per cent" shall be substituted;

(c) after Division TA, the following new Division shall be added, namely:—

"Division IB

Rates of Tax for Association of Persons

The rate of tax imposed on the taxable income of Association of Persons for the tax year 2010 and onward shall be 25%."; :

(d) in Division 1], in clause Giii), for the figure "20" the figure "25" shall be substituted;

(e) after Division VI, the following new Division shall be added, namely:—

"Division VU
Capital Gains on disposal of Securities

The rate of tax to be paid under section 374 shall be as

follows—

TABLE

S.No. Period . Tax Your Rate of tax

i 2 3 4

1. Where holding period of a security is 2011 10%
less than six months, 2012 10%

2013 12.5%

2014 15%

2015 17.5%

2. Where holding period of a security is 2011 75%
more than six months but less than 2012 8%
twelve months. 23. 8.5%

2014 9%

2015 9.5%

2016 10%

3. Where holding period of a security is — 0%.

more than one year.

Provided that a mutual fund or a collective investment scheme shall deduct Capital Gains Tax at the rates as specified above, on redemption of securities as prescribed;" and

(i) in Part II, for the figure "4" the figure "5" shall be substituted:

Gi) In Part WT.—

(a) in Division I, in clause (2), for the figure "30" the figure "20" shall be substituted;

(iv)

(b)

(1)

(2)

57

for Division VI, the following shall be substituted, namely:—

“Division VI
Prizes and Winnings

The rate of tax to be deducted under section 156 on a prize on prize bond or cross-word puzzle shall be 10% of the gross amount paid,

‘The rate of tax (c+ be deducted under section 156 on winnings from aralfe, lottery, prize on winning a quiz, prize offered by a company Sor promotion of sale, shall be 20% of the gross amount paid.”;

in Part 1V¥.—

{a)

(bo)

{c)

in Division LL, for clause {i} the following shall be substituted, namely:—

“(i) in case of goods lrasport vehicles, tax of one rupee per kilogram of the laden weight shall be charged.”;

in Division £¥,—

(a) in entry (a). for the figure “60” the figure “0” shall be substituted;

{b) in entry (1), for the words and figure “at the rate of 10 per cet” the following shall be substituted;

“at the rate of 10 per cent for commercial consumers,

(ii) at the rule of 5 per cent for industrial consumers”;

in Division V, im clause (b), in the third column for the letter

“CD” the words “any electronic medium” shall be substituted,

{@} after Division Vt, the following new Division shall be inserted, namely:—

“Division VIA
Advance tax on Transactions in Bank

The rate of tax to be deducted under section 231AA shall be at the rate of 0.3% of the transaction.”;

{e) | alter Division VII, the following new Division shall be added, namely:—

“Division IX
Advance tax on Purchase of Air Ticket

The rate of tax to be deducted under section 236B shall be 5% of the gross amount of air ticket.”;

(72) in the SECOND SCHEDULE,—

{i} in Part 1

(a) in clause (57),—

() in sub-clause {2}, after the word “income”, overwriting for the first time, the brackets, words, commas and figure “(other than capital gain on stock and share of public company, PTC vouchers, madarbar certificates, or any instrument of redeemable capital and derivative products held for less than 12 months) shall be inserted;

’ Gi) in sub-clause (3), after paragraph (xi), the following shall be inserted, namely:—

“(xii), «Punjab Pension Fund established under the Punjab Pension Fund Act, 2007 (1 of 2007) and the (trust established thereunder.”;

(b) in clause (72), after sub-clause (ii), the following new sub-clause shall be inserted, namely: —

“(iii) being a foreign individual, company, firm or association of persons in respect of 2 foreign loans as is utili

for industrial investment in Pakistan provided that the agreement for such loan is concluded on or after the first day of February, 1991, and is duly registered with the State Bank of Pakistan:

Provided that this clause shall have retrospective

_ effect of exemption to the agreements entered into in

the past and shall not be applicable to new contracts after the 30th day of June, 2010, prospectively";

{c) after clause (92), the following new clause shall be inserted, namely:—

“(Y2ZA) {

Any income of any university or any other educational institution established in the most affected and moderately affected areas of Khyber Pakhtunkhwa, FATA and PATA, for a period of two years ending on the 30th day of June, 20050".

“(ca) in clause (99A), for the figure “2010” the figure “2015” shall be substituted;";

{d) clause (102), shall be omitted;

(e) in clause (103), for the full stop, at the end, a colon shall be substituted and thereafter the following shall be added, namely:—

“Provided that this exemption shall be available to only such

mutual funds, collective investment schemes that are debt or money market funds and these do not invest in shares.”";

(f) after clause (103) amended as aforesaid, the following new clause * shall be inserted, namely:—

“(103B)

Any dividend in specie derived in the form of shares in a company, as defined in the Companies Ordinance, 1984 (XLVII of 1984): :

Provided that when such shares are disposed off by the recipient, the amount representing the dividend in specie shall be taxed in accordance with provisions of section 5 of this Ordinance and the amount, representing the difference between the consideration received and the amount hereinabove, shall be treated in accordance with provisions of section 37 or section 37A, as the case may be.”;

(g)
(h)
a

vi

“(126F) Profits and gains derived by a taxpayer located in the most

(ii)

(iii)

(iv)

60

clause (110), shall be omitted:

clause {110A}, shall be omitted;

clause (111), shall] be omitted;

after clause (126), the following new clause shall be inserted,

namely :—

affected and moderately affected areas of Khyber
Pakhtunkhwa, FATA and PATA for a period of three years
starting from the tax year 2010:

Provided that this concession shall not be available
to the manufacturers and suppliers of cement, sugar,
beverages and cigarettes;";

in part-IE, in clause (24A), after the word “products”, the words
“and for large distribution houses who fulfill all the conditions for
a large import house as laid down under clause (d) of sub-section
(7) of section 148, for large import houses,” shall be added;

in Part 333, in clause {1A),—

(a) after the words “taxable income”, the words “other than
income on which the deduction of tax is final” shall be
inserted; and

(b) for the words “seven hundred fifty thousand”, the words
“one million” shall be substituted;

in Part [¥,—

(a) after clause (10), the following new clause shall be inserted,
namely—

“(IOA) (i) The provisions of serial No. 5 of the Table given in
sub-section (1) of section 182 and clause (a) of sub-
section c() of section 205 shall not apply to business
located in the most affected and moderately affected

(ii)

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tiv)

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areas of Khyber Pakhtunkhwa, FATA and PATA, provided that the principal amount of tax due is paid by the 30th day of June, 2050;

the provisions of section 235, regarding advance tax on electricity, shall not apply to commercial and industrial consumers of electricity located in the most affected and moderately affected areas of Khyber Pakhtunkhwa, PATA and PATA till the 30th day of June, 2011:

the provisions of section 154, regarding withholding tax on exports, shall not be applicable to the export of goods originating from the most affected and moderately affected areas of Khyber Pakhtunkhwa, FATA and PATA, till the 30th day of June, 2011:

Provided that this clause shall only be restricted to the exporters based in the above areas;

the provisions of section 148 shall not be applicable to the import of plant and machinery for establishment of businesses in the most affected and moderately affected areas of Khyber Pakhtunkhwa, FATA and PATA till the 30th day of June, 2011:

Provided that this concession shall not be available (a) to manufacturers and suppliers of cement, sugar, beverages and cigarettes;

Explanation. —For the purpose of this Schedule,—

(a) most affected areas means district Peshawar, Malakand Agency, and districts of Swat, Buner, Shangla, Upper Dir, Lower Dir, Hangu, Bannu, Tank, Kohat and Chitral; and

(b) moderately affected areas means districts of Charsadda, Nowshera, D.L Khan, Batagram, Lakki Marwat, Swabi and Mardan, ";

(b)
(c)

62

Clause {52} shall be omitted:

after clause (72), the following new clause shall be added,
namely:—

“(73)

(74)

{75}

To mitigate part of the cost of obtaining foreign support
to fill productivity gap, income tax payable by a foreign
expert shall be exempted provided that such expert is
acquired with the prior approval of the Ministry of
Textile Industry.

The provisions of sub-section (8) of section 22 shall
not apply to Civil Aviation Authority (CAA) in respect
of the asset transferred for the purpose of the ijara
agreement between Pakistan Domestic Sukuk
Company Limited and the Federal Government,

The provisions of sub-section (15) of section 22 shall
not apply to Civil Aviation Authority (CAA) on the
assets acquired from the Federal Government which
were previously transferred for the purpose of the
ijara agreement between Pakistan Domestic Sukuk
Company Limited and the Federal Government:

Provided that depreciation shall be allowed at
the written down value of the assets immediately
before their transfer for the purpose of above
mentioned Ijara agreement.”

(73) in the THIRD SCHEBULE,—

in Part i, in the table, after sub-clause 1V, the following new sub-
clause shall be added, namely :—

“VA ramp built to provide access to persons with
disabilities not exceeding Rs. 250,000 each. 100%”

(4) in the FOURTH SCHEDULE.—

ta)

“(6B)

after rule (6A), the following new rules shall be inserted,

namely;—

capital Gains on disposal of shares of listed companies, vouchers

of Pakistan Telecommunication corporation, modaraba certificate

oT instruments of redeemable capital and derivative products shall be taxed at the following rates:

S.No. Fax Where holding period of Where bolding period of
Year securities is less than securities is more than
six months. six months but less than

twelve months.

t. 201) 10.0% 8.0%
2 2012 12.5% 8.5%
3. 2013 15.0% 9.0%
4 2014 _ 1S% 9.5%
5. 2015 17.5% 10.0%

Provided that this rule shall not apply to the securities held for a period of more than twelve months.

{6C) Notwithstanding anything contained in this Ordinance, where loss on disposal of securities is sustained in a tax year, the Inss shall be set off only against the gain from any other securities chargeable to tax under Rule 6B and no loss shall be carried forward to the subsequent lax year."; and

{b) "in rule (7), for the full stop, at the end a semi colon shall be substituted and thereafter the following. shall be inserted, namely:—

“Securities” for the purposes of Rule 6B means shares of a public company, vouchers of Pakistan Telecommunication Corporation, Modaraba Certificates or instruments of redeemable capital and derivative products.”;

(75) in the FIFTH SCHEDULE,—

(i) in Part f, after rule 4, the following new rule shall be 'inserted, namely:—

“4A. Decommissioning cost.~With effect from the Tax Year 2010, “Decommissioning Cost” as certified by a Chartered Accountant or a Cost Accountants, in the manner prescribed, shall be allowed over a period of ten years or the life of the development and production or mining lease whichever is less, starting from the year of commencement

of commercial production or commenced prior to the 1st July, 2010, deduction for decommissioning cost as referred earlier shall be allowed from the Tax Year 2016 over the period of ten years or the remaining life of the development and production or mining lease, which ever is less.”;

(76) in the SEVENTH SCHEDULE—

(i)

Gi)

in clause 1, in sub-clause (c), after the word and seicolon “advances;” the words, figure, brackets and letters “and provisions for advances and off-balance sheet items shall be allowed at 5% of total advances for consumers and small and medium enterprises {SMEs} (as defined under the State Bank Prudential Regulations)” shall be inserted; and

after rule 8, the following new rule shall be inserted, namely:—

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(2)

(3)

Transitional provisions.—(1) Amounts provided for in the tax year 2008 and prior (or the said tax year for or against irrecoverable or doubtful advances, which were neither claimed nor allowed as a tax deductible in any tax year, shall be allowed in the tax year in which such advances are actually written off against such provisions, in accordance with the provision of sections 29 and 29A.

Amounts provided for in the tax year 2008 and prior to the said tax year for or against recoverable or doubtful advances, which were neither claimed nor allowed as a tax deductible in any tax year, which are written back in the tax year 2009 and thereafter in any tax year and credited to the profit and loss account, shall be excluded in computing the total income of that tax year under [sic] of this Schedule.

The provisions of this Schedule shall not apply to any asset given or acquired on finance lease by a banking company up to the tax year 2008, and recognition of income and deductions in respect of such asset shall be dealt in accordance with the provisions of the Ordinance as if this Schedule has not come into force:

Provided that un-absorbed depreciation in respect of such assets shall be allowed to be set-off against the said lease rental income only.”,

{77} The provisions of clauses (a), (b). (c). (d), (f) and {(h) of sub-section (2), clause (a) of sub-section (17) and clause {a} of sub-section (15) and sub-sections (11), (13), (15), (163), (193), (20), (23), Q4), (25), (27), (34), (35), (38), (40), (46), (47), (48), (49), (50), (51), (52), (33), 4), (55), (57), (58), (68), (69) and (70) of this section shall take effect and shall be deemed to have taken effect from the 5th June, 2010.

9. Amendments of the Federal Excise Act, 2005.—In the Federal Excise Act, 2005,-

C1) insection 2.—

(a) for clause (3) the following shall be substituted, namely:—

“(3) “Appellate Tribunal” means the Appellate Tribunal Inland Revenue established under section (30 of the Income Tax : Ordinance 2001(XLIX of 2601) 3”:

(b) after clause (4), the following new clause (4A) shall be inserted, namely:—

“(4A) “Chief Commissioner” means a person appointed as the Chif Commissioner [Inland Revenue under section 29;”:

(c) for clause (5) the following shall be substituted, namely: —

“(3) “Commissioner” means a person appointed as a Commissioner [Inland Revenue under section 24.”;

(d) for ctayse (12) the following shall be substituted, namely:—

“(I2ZA) “Officer of Inland Revenue” means any person appointed by the Board as officer of Inland Revenue under section 2% of any person (including an officer of the provincial government) entrusted by the Board wilh any of the powers of an officer of Inland Revenue under this Act or rules made thereunder;”;

(2) in section 4, in sub-section (4), far the words “Collector of Federal Excise” the words “Commissioner Inland Revenue” shall be substituted:

(6)

(7)

(8)

in section 9, in sub-section (2), for the word "Collector" the word "Commissioner" shall be substituted;

66

in section 14, in sub-section (2), for the words "Federal Excise Officer" the words "Officer of Inland Revenue" shall be substituted:

in section 17,—

(a)

(b)

in section 19,—

(a)

(b)

(c)

(ad)

in section 27, in sub-section (4), for the words "Federal Excise Officers" the words "officers of Inland Revenue" shall be substituted;

after section 2L the following new section shall be inserted, namely:

in sub-section (1), for the word "five" the word "six" shall be substituted; and

after the word "years" the following words and commas shall be inserted, namely:—

"or till such further period the final decision in any proceeding including proceedings for assessment, appeal, revision, referent

Resolution Committee is finalized":

Excise officer" the words "officer of Inland Revenue" shall be substituted;

"Commissioner" shall be substituted:

in sub-section (6), for the words "Federal Excise officer" the words "officer of inland Revenue" shall be substituted; and

in sub-section (10), for the word "Collector" the word

"Commissioner" shall be substituted;

"21A. Appeal against the order of Special Judge..-An appeal

against the order of a Special Judge in respect of the trial of an offence shall lie to the respective High Court of the Provi

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within thirty days of (he passing of the order and it shall be heard as an appeal under the Code of Criminal Procedure 1898 (Act V of 1898) by a single Judge of the High Court.”,

in section 22, in sub-section (1), (5), (6), (7), (8). (10), CL), (13), and (14) for the words “Federal Excise Officer” and the word “Collector” wherever occurring, the words “Officer of Inland Revenue” and “Commissioner” shall respectively be substituted;”;

in section 23, in sub-section (1), for the words “Federal Excise Officer” the worlrs “officer of Inland Revenue” shall be substituted;

in section 24, for the words “Federat Excise Officer”, wherever occurring, the words “officers of Inland Revenue” shall be substituted;

in section 27, in sub-section (3), for the word “Collector” the word “Commissioner” shall be substituted;

in section 29,—

(a) for sub-scetion (L) the following shall be substituted, namety:—

“(1) For the purposes of this Act, the Board may, appoint any person in respect of any area, person, class of persons. to be— :

(a) Chief Commissioner Inland Revenue;

(b>) Commissioner Inland Revenue;

(c) Commissioner Inland Revenue (Appeals),

(d) Additional Commissioner Inland Revenue;

(e) Deputy Commissioner Inland Revenue,

(f) Assistant Commissioner Inland Revenue;

(g) Inland Revenue Officer;

(h) Superintendent Inland Revenue;

(i) Inspectors Inland Revenue:

(j) Inland Revenue Audit Officer; and

{k) officer of Inland Revenue with any other designation.”;

(b) after sub-section (1), the following new sub-sections (1A), (1B}

and {1C) shall be inserted, namely: —

“(1A) The Chief Commissioners [nland Revenue and

(c)

(d)

(e)

Commissioners Inland Revenue (Appeals) shall be subordinate to the Board and Commissioners Inland Revenue shall be subordinate to the Chief Commissioner Inland Revenue.

(IB) Additional Commissioners Inland Revenue, Deputy Commissioners Inland Revenue, Assistant Commissioners Inland Revenue, Inland Revenue Officers, Superintendents Inland Revenue, Inland Revenue Audit Officers, Inspectors Inland Revenue and Officers of Inland Revenue with any other designation shall be sub-ordinate to the Commissioners Inland Revenue and shall perform their functions in respect of such persons or classes of persons or such areas as the Commissioners, to whom they are sub-ordinate, may direct.

(1C) Deputy Commissioners Inland Revenue, Assistant Commissioners Inland Revenue, Inland Revenue Officers, Superintendents Inland Revenue, Inland Revenue Audit Officers, Inspectors Inland Revenue, and Officers of Inland Revenue with any other designation shall be sub-ordinate to the Additional Commissioners Inland Revenue, ”;

in sub-section (3) for the words and comma. “The Board may. by notification in the official Gazette and subject to such limitations or conditions as maybe specified therein” the words “The Board or the Chief Commissioner with the approval of the Board, may” shall be substituted;

in sub-section (3), for the words “Collector of Federal Excise, Additional Collector of Federal Excise, Deputy Collector of Federal Excise, Assistant Collector of Federal Excise, or officer of Federal Excise”, wherever occurring, the words “Commissioner Inland Revenue, Additional Commissioner Inland Revenue, Deputy Commissioner Inland Revenue, Assistant Commissioner Inland Revenue or Officer of Inland Revenue”TM shall respectively be substituted;

sub-section (4) shall be omitted:

(Id)

a5)

(16)

{17}

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in section 30, in sub-section (2), for the words "Federal Excise Officer" the words "officers of inland Revenue™ shall be substituted:

section 3) may be omitted.

in section 33,—

(a)

{b)

(c)

in the heading, for the word "Collector" the word "Commissioner" shall be substituted;

in sub-section (1), for the words "Federal Excise Officer up to the rank of Additional Collector of Federal Excise" the words "officer of Inland Revenue upto the rank of Additional Commissioner Inland Revenue" shall be substituted; and

in sub-sections (1), (2) and (3) for the word "Collector", wherever occurring. the word "Commissioner" shall respectively be substituted",

in section 34,—

(a)

(ce)

{d)

in sub-section (1),

(i) for the words "Federal Excise Officer" the words "officer of Inland Revenue" shall be substituted; and

(ii) in clause (a), for the word "Collector" the word "Commissioner" shall be substituted; and

(ii) in clause (b), for the words "Collector of Federal Excise" the words "Commissioner Inland Revenue" shall be substituted;

sub-section (2) shall be omitted;

in sub-section (3), for the words "any officer of Federal Excise not below the rank of Additional Collector authorized by the Collector" the words "any officer of Inland Revenue not below the rank of Additional Commissioner authorized by the Commissioner" shall be substituted;

in sub-section (9), in the proviso, for the words "Additional Collector authorized by the Collector" the words "Additional

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aller section 34 the following section shall be inserted, namely:

“344,

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Commissioner authorized by the Commissioner”, and for the words “authorizing (he Collector” the words “authorizing the Commissioner” shall respectively be substituted;

in sub-section (12), for the words “Additional Collector authorized by the Collector” the words ‘Additional Commissioner authorized by the Commissioner” shall be substituted: and

In sub-section (13), for the word “Collector”, occurring thrice, the word “Comimissionoge” shall be substituted:

Reference to High Court.—(1) Within ninety days of the communication of the order of the Appellate Tribunal under sub-section (2A) of section 34, the aggrieved person or the Commissioner may prefer an application, in the prescribed form alongwith a statement of the case, to the High Court, stating any question of law arising out of such order.

The statement to the High Court referred to in sub-section (1), shall set out the facts, the determination of the Appellate Tribunal on the question of law which arises out of its order.

Where, on an application made under sub-section (1), the High Court is satisfied that a question of law arises out of the order referred to in sub-section (1), it may proceed to hear the case.

A reference to the High Court under this section shall be heard by a Bench of not less than two judges of the High Court and, in respect of the reference, the provisions of section 98 of the Code of Civil Procedure, 1908 (Act V of 1908), shall apply.

The High Court upon hearing a reference under this section shall decide the question of law raised by the reference and pass

judgment thereon specifying the grounds on which such judgment

is based and the Tribunal's order shall stand modified accordingly.

The Court shall send a copy of the judgement under the seal of the Court to the Appellate Tribunal.

Notwithstanding that a reference has been made to the High Court, the tax shall be payable in accordance with the order of the Appellate Tribunal.

(19)

(20)

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(23)

71

(7) Where recovery of tax has been stayed by the High Court by an order, such order shall cease to have effect on the expiration of a period of six months following the day on which it was made unless the appeal is decided or such order is withdrawn by the High Court earlier.

(8) Section 5 of the Limitation Act, 1908 (LX of 1908), shall apply to an application made to the High Court under sub-section (1).

(9) An application under sub-section (1) by a person other than the Commissioner shall be accompanied by a fee of one hundred rupees."

in section 35.—

(a) in the heading, for the word "Collector™" the word "Commissioner™" shall be substituted:

{b} in sub-section (1), for the word "Collector" the word "Commissioner" shall be substituted: and

{c} in sub-section (3), for the words "Federal Excise Officers" the words "officer of Inland Revenue" shall be substituted:

in section 36. in sub-section (1), for the words "Federal Excise Officer" the words "officer of Inland Revenue" shall be substituted:

in section 37. in sub-sections (1), {2+and (3). for the words "Collector (Appeals). wherever occurring, the words "Commissioner in Appeals)" shall respectively be substituted:

in section 38, in sub-section (2), for the words "an officer of Federal Excise not below the rank of Additional Collector" the words "an officer of Inland Revenue not below the rank of an Additional Commissioner" shall be substituted;

after section 42, the following new sections shall be inserted, namely:---

"424 Reference to authorities.—Any reference to Collector,

Additional Collector, Deputy Collector, Assistant Collector, Superintendent and an officer of Federal Excise, wherever occurring, in this Act and the rules, notifications, clarifications, general orders or orders made or issued thereunder, shall be

(24)

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(26)

(27)

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construed as reference to Commissioner Inland Revenue.
Additional Commissioner inland Revenue, Deputy Commissioner Inland Revenue, Assistant Commissioner Inland Revenue, Superintendent Inland Revenue and an officer of Inland Revenue, respectively;

42B. Selection for audit by the Board.—(1) The Board may select persons or classes of persons for audit of records and documents through computer ballot which may be random or parametric as the Board may deem fit.

{2) Audit of such persons selected under sub-section (1) shall be conducted as per procedure given in section 46 and all the provisions of the Act shall apply accordingly.

(3) For the removal of doubt, it is hereby declared that Board shall be deemed always to have had, the power to select any persons or classes of persons for audit."

in section 43, in sub-section {2}, for the word "Collector" the word "Commissioner™ and for the words "officer of Federal Excise" the words "officer of Inland Revenue" shall be Substituted;

in section 44, in sub-section (2), for the word "Collector" the word "Coramissioner" and in the proviso, for the words "Collector" and "officer of Federal Excise" the words "Commissioner" and "officer of [nland Revenue" shall respectively be substituted:

in section 45,—

(a) in sub-section (1), for the words "Federal Excise officer" the words "officer of Inland Revenue" shall be substituted; and

'(b) . in sub-section (2), for the words "Federal Excise officer" the words "officer of Inland Revenue"; and in the proviso for the words "Federal Excise olficer" the words "officer of Inland Revenue" and for the ward "Collector" the word "Commissioner" shall respectively be substituted;

in section 46,—

(a) in sub-section (1), for the wards "Federal Excise officer" the words "officer of Inland Revenue" shalt be substituted and after

the word, " Board", the words, "ar the Commissioner", shall be inserted,

(b) in sub-section (2}, for the words "Collector", "Federal Excise

officer" and "Assistant Collector" the words "Commissioner",

"Officer of Inland Revenue" and "Assistant Commissioner", shalt
respectively be substituted;

{c) after sub-section (2), the following new sub-section shall be
inserted, namely:—

"(2A) After completion of the audit under this section or any other
'provision of law, the officer of Inland Revenue may, after
obtaining the registered person's explanation on all the issues
raised in the andit shall pass an order under section 14,
imposing the amount of duty as per law, charging default
surcharge, imposing penalty and recovery of any amount
erronevusly refunded."; and

(d) in sub-section (3), in the proviso, for the words, "conclusion of
original adjudication proceedings", the words, "determination of
liability ander'sub-section (2A)" shall be substituted;

(28) for section 47 the following shall be substituted, namely:—

"47, Service of notices and other documents.—(1)} Subject to this
Act, any notice, order or requisition required to be served on a
resident individual (other than in a represeflative capacity) for
the purposes of this Act shall be tréated as Properly served on
the individual if—

{a) personally served on the individia! or, in the case of an
individual under a legal disability or a non-resident individual,
the representative as defined in section 172 of the Income
Tax Ordinance 2001 (XLEX of 200 of the individual;

(b) sent by registered post or courér service to the place
specified in clause (b) of sub-section (2) or to the individual's
usual or last known address j in Pakistan; or

{c) served on the individual in the manner prescribed for service
af a summons undér the Code of Civil Procedure, 1908
(Act ¥ of 1908),

(29)

{2}

(3)

(4)

(3)

In the First Schedule,—

in the TABLE I, in column (1),—

(a)

(b>

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Subject to this Act, any notice, order or requisition required to be served on any person (other than a resident individual to whom sub-section (1) applies) for the purposes of this Act, shall be treated as properly served on the person if -

{a} personally served on the representative of the person;

{b} sent by registered post or courier service to the person's registered office or address for service of notices under this Act, in Pakistan, or where the person does not have such office or address, the notice is sent by registered post to any office or place of business of the person in Pakistan; or

{c} served on the person in the manner prescribed for service of a summons under the Code of Civil Procedure, 1908. (Act V of 1908).

Where an association of persons is dissolved, any notice, order or requisition required to be served under this Act, on the association may be served on any person who was the principal officer or a member of the association immediately before such

Where business stands discontinued, any notice, order or requisition required to be served under this Act, on the person discontinuing the business may be served on the person personally or on any individual who was the person's representative at the time of discontinuance.

The validity of any service of a notice under this Act, shall not be called into question after the notice has been complied with in any manner.”;

against serial number 8 and 9, in column (4), for the word “four”, the word “five” shall respectively be substituted;

against serial number 10 and €1, in column (4), for the words “Four rupees and seventy-five paisa”, the words “Five rupees and twenty-five paisa” shall respectively be substituted;

(c) against serial number 12, in column (4), for the word "four", the word "five" shall be substituted;

(d) against serial numbers 36 and 37, in column (4), for the words "five rupee and nine paisa", the words "ten rupees" shall be substituted:

(e) after serial number 49 and the corresponding entries relating thereto in column (2), (3) and (4) the following shall be inserted;

namely:—

awn (2) (3) (4)

"Sh. Filer rads for cigarcates 5S502.(HHRD ac rupee per filger rod

SJ. Air Conditioners Respective Headings Ten per cent ad ral,

82. Deep Freezers Respective Headings Yen per cen ad vat";

(Ff) in the Restriction, for the figures and hyphen "20@9-10", the figures and hyphen "2010-11" shall be substituted;

(30) in the THIRD SCHEDULE, in TABLE-i, in column {0} against S.NO. 12 in column (2) in paragraph (iii), in sub-paragraph (b) for the words "Collector of Federal Excise" the words "Commissioner Inland Revenue" shall be substituted;

(31) _ this section, except the provisions of sub-section (17) and clause (d) of sub-section (29), shall take effect and shall be deemed to have taken effect from the 5th June, 2010.

THE SCHEDULE

[See clause 3 { 13}]

AMENDMENT IN THE CUSTOMS ACT, 1969 (#¥ OF 1969)

In the Customs Act, 1969 (FV of 1969), in the First Schedule, for the "PCT Code", "Description" and "CD" specified in columns {1}, (2) and (3) appearing in chapter 1 to 99, following "PCT Code", "Description" and "CD" specified in

columns (1), (2) and (3) of the Table below and the corresponding entries relating thereto shall be substituted, namely :—

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Brus.9030
TOD UO

CPM SOLD

1562.160%
1702. 3000

£702.4100

C702. 4400

3207. 14020

3207. 190

4506.9110
356.9190
JL. On

439.20

SOMO

SHAUL 20H
3920202 ©

Av20.2030
AUZO.2044b
3920.2090
3970) AON

3920.4300

3920.49/0
3920b.4991)

APD SAD
F9W, SOON

3420.6 KV.
3920.620M8

3020.64 1

SO *

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“TABLE

- Buffaloes
: Bulls
--- Cows

Onen

Crude oil Rs.3000/ MT

- Glucose und glucose syrup. aol conlaiming fructase oF 20
coulaining im the dry stave tess than 20 4% by weight of
Nructose.

- Glucose and glucose syrup, contaming im the dry stute af 20
- Toust 20 4 but bess than SU by weight of [ructose, excluding
invert suger,

- Other fructose and fructose syrup. cuntuining in the dry statc 720
mare than 50% by weight of fructose, excluding mvert sugar.

-- Ceramic Colours \$

2+ - Other \$

- + + Shoe adhesives. ts

- - - Other ls

. For X-ray 0

"Other plates, sheris, Gilm, foil and strip, ef plastics,

noncelwtar and wut reiaferced, tansinaled, suppurted

or similarly combined with other materials.

- OF polymers of chthylene 20

- Of polymers of propylene;

+ - Biaxially Oriented Polypropylene (BOPP) film,

- 20

- Biaxiully Oriented Polypropytene (BOPP) film, p 2u

- +> Biaxially Grieated Polyprmpylenc (BOPP) film, aetallized 2u

- Biaxially Oriented Polypropylene (BOPP) film, laainated - 20

- + Other 20

- OF polymers af stycne . 20

- OF polymers of vinyl chloride:

Coutaining by weight oot less than 6 & of phasticisers 20}

-- Other: :

-- - Polyvinyl Chloride (PVC) Rigid film 20

- 7 > Other 20

*. Of aetytic polymers: OO

-- Of poly(methyl methacrylate) 20

-- Other : 20

*: Of polycarbonates, alkyd resins, polyallyl esters or ouher

. polyesters;

-- OF polycarbonates : , 20

-- OF poiytethylene terephehalatc) : . 20

-- OF unsaturated polyesters: .

Polyester filin . 20

POT COLE —— f2ESCRIPRION cD%.

als 12) a)

Mu20.6390 0. ~ Other 20

SUR ASH |. - OF other polyesters TMm

- OF cellulose or its chemical derivatives:

30MLTIOO —— - Of regenerated cellulose 20

194.730) ~~ OF cellulose acetate 20

A920. 79001 - - Of other cellulose derivatives 20

- OF other plastics:

3920.41) - - OF poly(vinyl butyrel) 20

MU20.9°MHE . - OF polyamides . 20

S20. MHD - - OF amino resins 20

3420.9400 . - OF phenotie resins . 20

WVMLVIHO —— - OF orher plasucs . 20

S004.0000 Silk yarn (other than yars spua from silk waste) mot put 0

up for retail sale.

MN EVIOUE > + > Pur vehicles of heading 87.14 35

HALAL - + For vehigles of heading 87.11 35

72.04 Fertuus waste and scrap; remelting scrap ingots uf iron

or sieel.

- Wuste und scrap uf cist ipon:

/2p4. 1010 Re-rolable , o

7204. 102 - - - Waste and scrap of aulo parts 35

204.100... Other 0

- Waste and scrap of alloy sleek:

7204.2100 —— - OF stainless see] o

74.2900 - - Other 0

Tb SI00 - Wine and scrap of tinned iron of stteet 0

- ONher waste and scrap:

7204.4 100 - - Turnings, shavings, chips, milling waste, sawdusl, filings, 0

Trimmings imd siinpings, whether or nal in bundics

- + Other:

7204.4910 - - - Re-rollable _ o

*d4.4930 - Wasic anc scrap of auto purts . 35

Tied 4950 + + + Waste und scrap of auto purts in pressed bundle 0

condibon.

TNe-YON ~~ - Other o

Tid Ape - Remehing scrap ingots o

84.74 Machinery for sorting, screening, separating, washing, ©

croshing, grinding, mixing ar katading earth, stone, ores
er other mineral substeaces, in solld (imcluding powder
or paste) form; machinery for agglomeraling, shaping or
moulding solid mimeral fuels, ceramic paste, amhardened
réements, plastering wateriais ar nther mineral praducts
in powder or paste form; machines for forming fomadry

moulds of sand.

PCT CODE DESCRIPTION : CDS

1 2 3

- Sorting, screening, separating or washing machines:

8474. 0010 - - - For ceanent industry 1s

N47d.1020 ~~ - screening plant \$

N474,1000 0 - - Other : 10

- Crushing or grinding machines: a

\$474.20] - - - Fow cewent indusicy : >

4474.20000 --- Other 5

- Mixing or kneading Machines:

- - Concrete or mortar miaers:

RA7d. 3110 - - > For cement indusiry 5

RATS ALI - «+ Concrete hatching plunt §

#4743130 - - - Concrete transit mixer ceum 3

¥474.3190 - - - Other 3

- - Machines fur mixing mineral substunces with bitumen:

3474.32) - - Not exceeding 150 Uh 5

4474,320) ~~ - Other 5

R47, 30 - - Giher 5

- Hher muchinery:

R474,8010 - - + Hydraulic press for cecumic industry uf cupacity Bb]

exceding 80 tons

B474.RO ~~ - Ofer 3

. - Paris: .

A474,9010 ~~ - OF muchine of heading 4474. (020, 8474.4120, 5

R974, 3210, \$474.3290, 84743410 & 8474. 5010

RAF WO Md - - Of maching of heuding #474,2010, \$474.20000, 5

RAPS ST. R473) ME MATA FIO & HITE KOON

£4 7-4.9090 * . - Other 10

84.79 Machines and recchascical appliances havieg ladividmat

functions, aot specified or Included elsewhere im this

Chapter,

- Machinery for public works, buikting or the like:

8479. 1010 - - - Asphalt pavers 5

\$479.1090 - . - Other 3

479.2000 - Muchinery for the extiction er preparautiva of animal or fixed 3

vegetable fats of oils

8479. 3000 - Presses: for the manufacwure of particle board or fibre building

buurd of wood of other ligneops materials und other s

wnachinery for tregitg wood or cork.

24794000 + Rope or cable makitg machines 5

8479. 50KK0 — - Industrial robots, nol-elsewhere specified o« included

RA79,600) - Evaporative air coolers 5

- Other mschines and mechanical appliances:

479.8100 - - For ieauing metal, including electric wire coi-winders: 3

- + Mixing, kneading, crushing, grinding. screening, sifting.

lomogenising, eawisifying ar stirring machines;

K4979.8200 - - - Match inaking machines 5

8479,8220 - - > Soap making machines . 5

PCT CODE DESCRIPTION ch4h

i 2 3

8479.8230 0 - - - Oil refining machines . 5

S479 82 - - - Other Bb]

- - Other:

8479.89 10 - . - Eyeleting, fastening and thread sucking machines

\$479.R920 - - - Automatic machines for alyaching rivera, metal buttons,

eyelets ele, on gurinents.

HATHKOH) ~~ - Tableving machines 3

S479. 8940 -- - Capsule polishers 5

BAT RUS >>> Tyre changers

BATH RYU - - + Other 3

Parts:

8479.9010 -- - OF muchines of heading 8479.2000, 8479,6000, 5

8479.8210, 8479.8230 & 8479. 8290

R474. 9000 > - > Other 5

ATANI Motor yelicles for the traaspuri of ien er more persom,

including the driver,

- With compression-ignitian internal cambustion piston engine

(diese! on semi-diesel):

R702.10Hb — - - Components far assembly & manufacmre of vehicles. in 20

any kit form .

R702. 109%. - - Other 20

Other:

8702.40Hb - - - Campanents lar assembly & manufacuye of vehicles, in 20

any kit form

R702.9024F - - - Fully dedicaicd CNG buses (CRU) Li]

B702,9U3 ~~ - Pully dedicated LPG buses (CBU) i)

S702 ID - - - Other 20",

DECLARATION UNDER THE PROVISIONAL
COLLECTION OF TAXES ACT, 1934 (XVI OF 1931)

The provisions of sub-clause (13) of clause 3, sub-clause (48) of clause 7, sub-clause (77) of clause 8, sub-clause (29) (a), (b), (c), (e) and (f) of clause 9 of this Bill shall have effect, for the purposes of this declaration and of the provisions of Provisional Collection of Taxes Act, 1934 (XVI of 1931), as if they were provisions for imposition of duties and taxes of customs, sales tax, federal excise duty and income tax. It is hereby declared accordingly in terms of section 3 of the Act that it is expedient in public interest that the provision of sub-clause (13) of clause 3 shall have effect from 6th June, 2010, whereas the sub-clauses of clause 7, clause 8 and clause 9 mentioned above shall have effect from 8th June, 2010, under the Act.

KARAMAT HUSSAIN NIAZI,
Secretary.

NATIONAL ASSEMBLY SECRETARIAT

BILL.

to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 2010, and to amend certain laws;

[As Passed by the National Assembly]