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Rectification Jurisdiction Under Section 221 of the Income Tax Ordinance, 2001: A Case Commentary on Commissioner Inland Revenue v. M/s Sui Northern Gas Pipelines Ltd.

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ABSTRACT

This commentary deals with the Supreme Court of Pakistan Judgment in Commissioner Inland Revenue v Sui Northern Gas Pipelines Ltd, wherein the department made a demand for PKR 43,941,168 on the income of M/s Sui Northern Gas Pipelines Ltd under the Workers' Welfare Fund Ordinance, 1971, pursuant to the rectification scheme provided in Section 221 of the Income Tax Ordinance, 2001. The need of the hour is that the question whether someone is an "industrial establishment" for the purpose of Workers' Welfare Fund levy is a debatable issue of mixed law and fact, which cannot be decided summarily by either the Appellate Tribunal Inland Revenue or the Lahore High Court.Supreme Court clarified that the determination that whether a taxpayer is an "industrial establishment" or not is debatable issue which can't be resolved through summary rectification proceedings on either Appellate Tribunal Inland Revenue side or the Lahore High Court side. In this commentary, it has been placed in context of the doctrine of the “mistake apparent from record”, traced back its genesis in similar tax jurisprudence from other parts of the world of South Asia, differentiated the doctrines of “be rectified under section 221” and “reassessment under section 122” and examined the practical consequences of the decision of the Court on the tax administration and compliance of Pakistan. It concludes that the decision effectively serves to reaffirm an important distinction between the summary correction of clerical errors and the substantive re-adjudication of tax liability, safeguarding taxpayers from having an unappealable attack on their tax liabilities retroactively, as a result of the competent authority's summary correction action.

The Supreme Court has convicted a bookshop owner for refusing to pay a voluntary contribution to the Workers Welfare Fund to the federal government under the Income Tax Ordinance 2001, Section 221, on the allegations of rectification that a mistake apparently arose from the records.

Introduction

One of the more controversial fault lines in the tax law is the balance between the power with which the tax administration can rectify its own mistakes and the right of the taxpayer for finality in the assessment. This is most evident in the provisions that

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allow for a “rectification of mistakes,” found in almost every modern tax statute which serve as a short-cut remedy for glaring mistakes which otherwise would call for full reassessment. The remedy is provided in Section 221 of the Income Tax Ordinance, 2001 ("the Ordinance") which allows for a tax authority to rectify errors which it deems to be apparent from the record within a four year time period.

In one of its tests of this power, the Federal Board of Revenue's (FBR) field formation sought to impose fresh liability of PKR 43,941,168 on M/s. Sui Northern Gas Pipelines Ltd. (hereinafter "SNGPL") on the basis of an alleged levy imposed by the Workers' Welfare Fund Ordinance, 1971 (hereinafter "the WWF Ordinance") by the Government of Pakistan. The taxpayer, M/s Sui Northern Gas Pipelines Limited (“SNGPL”), a large state-owned company customarily engaged in the transmission and distribution of natural gas in its public guise, opposed the demand, on the ground that its role as an “industrial establishment” under the WWF Ordinance fell within a “contested legal question”, which “would be a serious error in itself”, or, at the least, one “not perfectly clear”.

This commentary is in six parts. It provides an introduction to the factual-filed history of the controversy. It then reviews the statutory framework of Section 221 and the Workers' Welfare Fund Ordinance and discusses the questions that were on that Supreme Court's agenda and the arguments advanced by the parties. It then then proceeds to give a careful consideration of the reasoning, contextualizes it in the comparative analysis of the doctrine of "mistake apparent from the record" and finally examines the practical impact of the ruling for tax administration and taxpayer planning in Pakistan.

Factual and Procedural Background

SNGPL filed its income tax return in the ordinary course for Tax Year 2003, executed its return and treated it as assessed (or deemed assessed) pursuant to the provisions of the Ordinance in effect for Tax Year 2003. There were no demands made during the initial estimation regarding the levy in the Workers' Welfare Fund. At some stage, a notice was sent by the Additional Commissioner Inland Revenue which alleged that SNGPL had not paid a levy of 2% of the total income, as required by the WWF Ordinance with respect to the tax year 2003. Appealing the withdrawal of this levy from the order as "mistake apparent from the record", the Additional Commissioner amended the assessment and issued a fresh demand of PKR 43,941,168.

SNGPL, therefore, took the matter up in the statutory hierarchy for setting aside of the rectification order. The demand was challenged in the Appellate Tribunal, Inland Revenue (ATIR), which dismissed the challenge contending that the question whether the levy was an apparent mistake could not be properly answered by ATIR. The Department then moved the Lahore High Court which again did not give any goodwill to the Department and dismissed its reference applications in the light of Tribunal's findings. Later, Commissioner Inland Revenue moved Supreme Court of Pakistan under Article 185(3) Constitution of Pakistan, 1973, to appeal the decision of High Court. The fact that the underlying facts and legal issue(s) were the same for the tax year(s) involved and related proceedings allowed the matter to be heard and disposed of together as Civil Appeals No. 1443 to 1447 of 2018.

For comparison, it is important to mention, though, that prior to the instances of this

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litigation, SNGPL has been a frequent litigant before Pakistan's higher tax courts over a variety of issues relating to withholding obligations, cost adjustments and levies on funds before commercial entities while it is among the largest gas companies in the country and the tax regime applicable to state-owned businesses is one of complexity. The current controversy should be seen as part of a pattern on the part of the revenue authorities to attempt to resolve issues of taxpayer classification and liability through summary correction procedures.

Legal Framework

Section 221 of the Income Tax Ordinance, 2001

Section 221 provides for a Commissioner (or the Commissioner (Appeals) as the case may be), on his or her own initiative or on application of the taxpayer, to make such orders to rectify any mistake made when passing an order, if it is apparent from his or her orders that a mistake was made. The first of these, the provision for daily nursery hours, is a key structural aspect of the provision.It is important to understand this cut through the provision, the daily nursery hours. First, the power is limited to "apparent from the record" errors, following a long history of South Asian courts' development of this phrase to mean an obvious, self-evident, and figureable error, one that requires no longer arguments or investigations. Second, time limits the power, and after four years from the date an order is requested to be rectified, it cannot be done even if the error was real, as the legislature clearly indicated that it did not intend to allow the errors to last ad infinitum.

The concept of rectifying patent errors is clear-cut. If an assessment order is passed and not appealed within the time prescribed then it has a degree of finality. That finality can be challenged is permissible in any case, but only through the "regular avenues" available to Parliament for the correction of substantive errors – namely, amendment under Section 122 of the Act, which itself is accompanied by conditions, limitation periods and notice requirements and is subject to appeals based on the merits. Important structural protections that sentence with substantive reassessment, such as the taxpayer's right to a comprehensive hearing on areas of disagreement regarding fact and law, and the Commissioner's need for "definite information" before he/she reopens an completed assessment, would become remarkably elusive. By simply calling a substantive re-adjudication a ‘rectification' a tax officer could skirt around the more difficult definition of a re-adjudication imposed by Section 122.

The Workers' Welfare Fund Ordinance, 1971

The WWF Ordinance was used to create a fund to provide for the welfare of industrial workers by making a levy on income of “industrial establishments” including the provision of funds for low cost housing and other welfare measures. The liability to contribute to the fund is not general but only limited to such entities as are covered by the statutory definition of 'industrial establishment,' the definition of which has often resulted in extensive interpretive litigation in itself, especially in regard to contributions by utilities and service providers and other entities that have industrial and commercial operations. The question whether a particular taxpayer is an "industrial establishment" for WWF purposes often springs into debate based upon the nature of activities of the entity, the scale and character of the entity's operations

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and the application of exemptions or carve-outs in relation to WWF under the WWF Ordinance and attendant administrative guidance.

For liability under the WWF Ordinance is based not on an arithmetic computation, but rather simply a status determination, the determination of the liability of any particular company is not readily subject to resolution through examination of the record. It normally involves an investigation into the tax protester's business, the application of statutory definitions to the business, and — when the subject business is classified in some way that the tax protester does not agree with — giving the taxpayer the chance to be heard on the issue. Specifically, these are the elements which Pakistani courts characterized as adversarial to the summary jurisdiction granted under Section 221.

Issues Before the Supreme Court

The main issue that the Supreme Court had to address was whether the Additional Commissioner's proposition that "SNGPL's liability in the context of WWF is a "mistake apparent from the record"" was considered to be legally sustainable. This meant the Court had to entertain two questions connected with it. As to the construction of the statute, what is the standard for an error to be "apparent from the record" under Section 221? Second, applied to this standard, was the failure to include a WWF charge in SNGPL's original assessment in Tax Year 2003 a failure to incorporate that charge, or rather, was the omission, a failure to investigate, interpret, and advocate that charge passed the limit for such being a matter for the summary rectification?

But a moot adjacent question which was nonetheless significant for the Department: What is the proper procedure by which the Department can proceed if it does believe that SNGPL is really liable for the WWF levy? If not, the issue was whether the Department had "another remedy" (such as an amendment of assessment pursuant to Section 122) and whether in the intervening years, that "other remedy" might have become time-barred.

Arguments Advanced by the Parties

The Department's Position

In the Commissioner Inland Revenue's view, the WWF levy was a statutory charge which would automatically be imposed on an industrial establishment, and that the fact that there was no discussion of a levy on the SNGPL assessed return was simply carelessness, not an actual challenge to the levy. From this perspective, the case was a rude awakening for the department in that it was akin to a taxpayer simply missing an acknowledgment of a taxable income or a statutory required charge that can be identified on the face of the tax return. The Department also argued that such omissions could not be addressed by Section 221 as it would be 'out of the framework of that section and beyond the ability of the revenue authorities' to correct under-assessments in the future, especially as 'the preconditions of the issuing of Section 122 may be restrictive'.

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SNGPL's Position

SNGPL's response was a two-pronged one. Indeed, it disagreed that it was an "industrial establishment" (as the WWF Ordinance defined it), and argued that it was actually not an industrial establishment, but a gas transmission and distribution utility. Second, and more basically, it claimed that, even if this classification issue should eventually be resolved against it, the issue of classification itself was not one to be resolved simply from an examination of the assessment record; it would have to be considered based on the nature of SNGPL's business, the definitions and exemptions contained in the statutes that applied, and case law that has revealed the meanings of those definitions. On SNGPL's view, a dispute of this nature, however resolved on its merits, by its very nature could not qualify for holding the defendant in error unless SNGPL was mistaken, which would necessitate an evidentiary hearing.Under SNGPL's interpretation, whatever the dispute turned out to be on its merits, it could not be said to be "apparent from the record" of the case because, by his definition, it was a mistake from which no proof can be given. SNGPL also contended that if the Department chose to treat a new and additional liability had accrued, that remedy was provided by its amendment of the assessment—NOT the power that Section 221 would give it to avoid any limitation or procedural hurdles.

The Court's Analysis and Reasoning

The Supreme Court followed the well-established rule that the reference to a "mistake apparent from the record" implies an error that is obvious, self-evident and even a "blurt;". Based on this standard, the court determined that the nature of industrial establishment of SNGPL in response to the hypothesis of the WWF Ordinance did not draw a clear and immediate conclusion from the record. It was, however, not a question of pure law or fact, but rather one of mixed law and fact that required an analysis of SNGPL's business activities – an analysis which reasonable people might differ over and from which the taxpayer should have a voice.

The Court couldn't leave its emphasis unfixed on not imposing and imposing. Rectification, in the Court's opinion, is always a corrective, retrospective procedure: it is based on the state of facts so far established, which is uncharged, to correct a simple arithmetical slip in the computation of the facts and/or the application of a law. It is not meant forThe debut of a new and previously unanticipated liability, not even one that rests on a legal case that could practically be called a contestation. It was completely dependent upon proof of an industrial establishment being carried on by SNGPL which was the issue in the WWF demand and was not actually determined in an earlier case; as SNGPL denied that it was an industrial establishment, this was a point denied by it, and the demand could not therefore be upheld under Section 221.

The Court also appeared to side with the Department on the issue of efficiency directly: if the liability is debatable it could be corrected by using Section 122—as it did in that case. But because there was that alternative procedure, with a different kind of safeguards, then the Department was not without hope; it was not the procedure that they wanted to go down, but it did not have the length or effort that Section 122 imposed. In this context the Supreme Court ultimately replied to the question of law in negative — against the Department — and dismissed the civil appeals without heeding the submissions by the party concerned, thus upholding the conclusions of

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the Tribunal and Lahore High Court.

The Doctrine of "Mistake Apparent from the Record" in Comparative Perspective

The interpretation of the Supreme Court in this case was based on a significant body of tax jurisprudence, including that of South Asia, which have interpreted similar rectification provisions. Much of the vocabulary of Pakistan's income tax law has been imported from the British Indian legislature, such as the concept of rectification, and has been included in the legislation.The vocabulary of income tax in Pakistan has been borrowed from its British Indian roots and incorporated in the legislation, and Pakistani courts have relied on precedent in India for construction of provisions that have similar origins. The classic statement of the standard was given in a recent case by the Indian Supreme Court in the case of T.S. Balaram, Income Tax Officer v. Volkart Brothers (1971) where the Court ruled that a mistake apparent on the record had to be an “obvious and patent” mistake – one which could not be the subject of a long argument on a point where there “might conceivably” be two conflicting views.

This formulation has stood the test of time, as it identifies a distinction that is functional rather than merely semantic: one between two types of errors that a competent officer can spot on the spot, and another type that only comes into existence -- in fact, into being in the courtroom -- after argument, evidence and legal analysis. This functional approach has been consistently recognised in the Pakistani courts which apply the words in Section 221 and apply it as available for rectification in cases of clerical errors, arithmetical errors and errors which are self contained in nature, as not available in question of classification and characterization and other questions which require a substantive legal analysis. Judgment of the SNGPL is easily accommodated in this tradition: the question of the industrial-establishment status is structurally the same type of contested classification problem as that of Volkart Brothers and its progeny.

The practical arguments for this continuity comparing two faiths are more important than the tidying-up of doctrine. It is an approach to Section 221 which is consistent and firmly established across jurisdictions; it is not merely an idiosyncratic interpretation or reading. That stability will provide a fair basis for taxpayers to stake a claim that they believe a rectification is defective at the front gate rather than in each individual instance, and it will give tax administrations a predictable guiding signal as to where the front gate of summary correction is.

Distinguishing Rectification from Reassessment

The Court's reasoning, and the rationale underlying its total body of reasoning, include this distinction between rectification under Section 221 and amendment of assessment under Section 122. Both provisions have different roles to play, and are subject to different safeguards. The Commissioner may make adjustment to an assessment when he has definite information as to the definite escapement of any income from assessment, or the under-assessment or underrate of any income, or that any income was assessed at an inopportune rate, or in some manner be assessed at an improper overall rate and in any other manner that would prejudice the interest of the revenue. The exercise must obtain notice and hearings and has limitative time periods

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based on the seriousness of any alleged error. The narrower scope of Section 221 is the cost of its summary nature, by contrast with the more broader scope of the other sections.

Doing this would cause two similar harms as it would expand Section 221 to become a broad warrant of raising any demands which a tax officer later believes are due. It would drag middlemen into the tax process like it does with regular assessments, and it would enable the Department to dodge the limitation periods and evidentiary standards from Section 122 by just re-labeling a reassessment as a “correction.” This, I think, is an encouragement to people to rely on the structural allocation of the procedural protections, not just a narrow principle which applies only to Section 221, as the Supreme Court stated in SNGPL that a genuine new and disputed liability could not be created through Section 221.

Implications for Tax Administration and Practice

The judgment serves as a warning for the revenue authorities that as a matter of course, they must carefully monitor that such a section 201 is indeed implemented in keeping with the more onerous section 122 standards, rather than relying on section 221 to simply skirt around them. If, however, this happens after the facts or law have been established, and an affidavit of citizenship is issued or a certificate is accepted whereby a taxpayer may be deemed to be liable under a different classification of the facts or law, the officer should proceed against a taxpayer by reassessment, and the provisions of the Graduate Motor Works cases are applicable, not by way of correcting an apparent error, but in a manner that may result in the imposition of a liability not originally envisioned by the taxing authority. On the administrative side, this can complicate the process in certain circumstances, especially if issues had been identified before the date of the relevant limitation period to reassess had expired. The Court's argument, however, implies that the reasons don't justify seeking to close the gap by broadening the scope of rectification, but rather that it is an important cost of maintaining the structural distinction between the two remedies.

From a filer or advisor perspective, the decision provides a fairly effective and long-lasting remedy against the issuing of rectification notices which in substance are a demand for new obligations and are intended to serve this purpose. Taxpayers faced with a Section 221 notice should ask, "as a first order question," whether the "mistake" is something known to be "caused by the taxpayer" in the short course in a 221 notice or is one that would require a characterization of the taxpayer's business, a consideration of a contested statutory definition or a result of a point on which "informed opinion" would differ. When the latter is the case, SNGPL affords little, if any, remedy for attacking the notice in the preliminary stages, without tackling what was at stake in terms of underlying liability, except perhaps for the jurisdictional issue.

The decision also may have broader implications than the context of the Workers' Welfare Fund. Given that the legal reasoning governs broadly the nature of the rectification power and not in any way its specific application to the WWF liability, it easily can be adapted to other levies and charges, such as other withholding and welfare-related levies, where an application of the charge depends on a meaningful classification of the taxpayer or its income. If the categorisation by an officer is

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actually contestable, it is difficult to see how a revenue measure would be deemed to be a proper transaction for rectification if it first had to be determined.

The decision also has an impact on the selection of audits carried out by tax officers and on the quality control which tax officers conduct in their units. If the completed assessment reveals that there may have been an unlawful omission, the SNGPL ruling suggests that officers should determine the issues correctly from the beginning, i.e. to classify the issue correctly only requires an S122 amendment process and its associated approvals and evidentiary procedures, rather than an S221 rectification order unilaterally made by officers. The distinction could also be incorporated into departmental review checklists and training materials, thereby minimizing the number of appeals of this nature heard in SNGPL and, as a result, the administrative expense, on both the petitioner's and legislature's side, of litigating the next case in which the petition raises the same issue.

Critical Commentary

Balancing the arguments on its merits is a pretty good exercise in the application of a standard doctrinal exclusion, and there does not seem to be a convincing competing argument on the set facts. Because the Court says that Section 122 exists, the Department's central argument, which was that inquiries over disputed classification is beyond Section 221 and thus the assessment must remain uncorrected, is dead and buried. It may have been the Department's unfortunate that the limitation period may have expired on a remedy they had, but it would be wrong to say it did not have one at all. This is an issue of administrative timeliness, not there being an absence in the statute which can be compressed or filled.

A more probing examination might have questioned whether the entire combination of the four-year time limit to Section 221 and stricter conditions behind Section 122 provides an incentive for revenue officers to label what otherwise may be ‘borderline' transactions or errors ‘apparent mistakes' just to keep an enforcement option alive that would otherwise be barred by the law. But if the decision is negative, the discipline brought about by such a determination on contested or reconstructed financial responsibility is particularly significant, given its ability to willfully defy the incentive to present false claims of clerical errors in financial responsibility. Can things be used against you—can you actually engage in a boundary defence game similar to what is suggested above but with the taxpayer deciding that the error that made the difference represented a genuine simple error, not a classification question, and that the claim must be denied? The functional test, which either not even Volkart brothers could have envisioned, or which was applied here, in which it was suggested that there were two views that were reasonably attainable on this question, is a reasonable, if not completely mechanical, way to protect against that risk because a court could always look past a taxpayer's reading of a case and its characterization of the disagreement and the argument or simply disbelieve a taxpayer's "reading of the case.

The Role of Limitation Periods in the Rectification Scheme

The limitation periods are an integral part of the rectification scheme—not an incidental. The four-year time limit in Section 221 provides an insight into the legislature's collective wisdom that even if a tax error is real and obvious, it should

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not be open indefinitely for correction, because the goals of finality in tax administration can be as important as the goals of accuracy, and include such things as administrative certainty, taxpayer planning, and efficient use of limited audit resources. If classification of a disputed classification were similarly broadly construed to exclude limited novelty from a competition space, it would in fact defeat the purpose of that limitation scheme - because it would give the Department the opportunity to revisit dubious classification issues under the (shorter, less exclusive) fast-track classification track Parliament intended to be used for such situations.

In the SNGPL dispute this was the situation, and will probably have been the case in the present case (but perhaps not extramurally described in the opinion). The Additional Commissioner had issued the rectification notice at a fairly long time after the initial assessment in Tax Year 2003. If the Department had sought reassessment from the beginning under the Section 122 requirements and evidentiary burden, it would have been subject to the limitations and evidentiary requirements set forth in that section, which may or may not have occurred, and apply to the facts underlying the problem. The attempt, therefore, to use Section 221 in that vein is not just a wrong step in terms of jurisdiction, but a step that was taken deliberately or otherwise on the easier track to find a different, hopefully less demanding, one, as the more exacting procedure had come to seem unavailable or less convenient. Courts have rightly said that this type of substitution would make the selection of the third party "remedy" depend upon "administrative convenience" and not the nature of the "dispute" itself.

Significance for State-Linked and Utility-Sector Taxpayers

The identity of the taxpayer, in this case, is not a consequential issue in this dispute. Questions concerning the applicability of levies which are largely directed at conventional manufacturing or industrial companies percolate through a variety of fields of Pakistani revenue law, and not just the Workers' Welfare Fund in isolation. The aggregate of industrial, commercial and service aspects are frequently not easily divisible and fit into the categories that were created decades ago from a limited number of business models. Therefore, conflicts, whether over their definition as "industrial establishments" or "manufacturers", or over other categorizing conditions, are by no means uncommon and are by no means definitive.

This is why the SNGPL ruling has a ring of truth to it beyond the facts of the levy on the Workers' Welfare Fund. In a diversified or hybrid business, any charge measured by classification is going to be likely to trigger similar concerns – the determination of whether the business is a traditional one or one that is more hybrid is likely to be a genuine point of contention that must be decided before assessing the charge to be paid and that the tax officer is unable to resolve on their own. Where a tax counsel advising in relation to a diversified state entity that is linked with the utility industry can reasonably look to SNGPL as authority, he or she can appropriately do so when it comes to taxing a utility without first determining the underlying classification issue.

Conclusion

The above decision, which reiterates the concept that is prevalent throughout tax administration in Pakistan, namely the summary power to correct alleged mistakes is not meant for cases involving a genuine and relevant assessment liability which is

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contestable and different from the assessed liability. The Supreme Court was careful not to adopt a “private definition” of ‘industrial establishment’ under the Workers' Welfare Fund Ordinance, 1971, that bypasses the usual procedural safeguards which were attached to the act of substantive reassessment under Section 122 of the Income Tax Ordinance, 2001 because it amounted to a “debatable question of mixed law and fact.” The decision effectively offers to tax payers a definitive doctrinal foundation and precedent for challenging notices of rectification issued by revenue officers, which, at the end of the day do more than correct the issue, they seek to impose liability. And it is a clear message for revenue officers that this is a route they cannot pick and choose in their notices of rectification as frauds will not be accepted on appeal.

Frequently Asked Questions

What constitutes a "mistake apparent from the record" under Pakistani tax law?

A mistake apparent from the record is an error which can be discovered from a clear reading of the record, or by divine providence and common sense, and is obvious, glaring and self-evident, not requiring further argument or exploration, or the process of reasoning on which two opposite conclusions could be drawn.

Can the Revenue Department create a new tax demand using Section 221?

No. Section 221 is a strictly remedial provision which is applicable only if there are patent errors in an existing order. If a new or unsettled liability exists, it is to be proceeded upon by the assessment amendment process subject to the conditions and time limits of Section 122 of the Act.

Why did the Supreme Court treat the Workers' Welfare Fund issue as debatable rather than apparent?

The interpretation of whether or not SNGPL constituted an "industrial establishment" was a matter of finding a balance between the business carried out by the company and a statutory definition which was contested, and could not be answered by a quick look at the assessment record.

What should a taxpayer do upon receiving a rectification notice that appears to raise a new liability?

Before determining whether the asserted error actually shows the tax revenues were wrong or that the taxpayer's legal or factual characterization is in dispute, taxpayers should do the work to figure that out. Where the latter is the case, SNGPL would sponsor a threshold jurisdictional challenge to the rectification notice, aside from the merits of the underpinning liability.

Note on Sources and Scope

The purpose of this commentary is to give a doctrinal analysis of the legal principle that is being adjudicated upon in the great issue before the Court in Commissioner Inland Revenue v. M/s Sui Northern Gas Pipelines Ltd. and not to merely regurgitate the judgment of the Court. Interested readers are advised to review only reported judgment and corresponding procedural submissions and standings before/reported before the Appellate Tribunal Inland Revenue and the Reporting standings before the

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Lahore High Court with respect to the specific language of the Supreme Court order, procedural record before PTIR and before the Lahore High Court, as well as evidentiary submissions of the parties. The present analysis should be regarded as an adjunct to the overall doctrine of section 221 and similar'taking back' provisions and it should be read in the context of and for the purpose of providing additional assistance to practitioners and students in interpreting the meaning of the judgment.

There are two caveats to this method. Primarily, when this commentary compares and narrates the reasonings of the Court, it is a distillation of the principle the case is said to have adopted, the sort of thing which is summarized in the professional tax commentaries, and not a line-by-line paraphrase of the text in the judgment. Second, since the question of rectification of these types is extremely fact dependent, advocates who are dealing with an active dispute should ascertain the status of the dispute in the court, specifically if there is a review petition or clarificatory order or a subsequent amendment to the legislations of S221 and the Workers' Welfare Fund Ordinance that may apply to the facts of their case.

References

Commissioner Inland Revenue v. M/s Sui Northern Gas Pipelines Ltd., Civil Appeals No. 1443 to 1447 of 2018 (Supreme Court of Pakistan). FBR Official Income Tax Judgments Repository. Available at: https://www.supremecourt.gov.pk/downloads_judgements/c.a._1443_2018.pdf

Constitution of the Islamic Republic of Pakistan, 1973. Article 185(3) (Appellate Jurisdiction of Supreme Court). Available at: https://pakistankanoon.com/statutes/constitution-of-pakistan/article-185/

Income Tax Ordinance, 2001 (Pakistan). Statutory Text (§§ 122, 221) Official Federal Board of Revenue (FBR). Available at: https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-a5acag%3D%3D-sg-jjjjjjjjjjjj

Workers' Welfare Fund (WWF) Ordinance, 1971 (Pakistan). Available at: https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-a5acag%3D%3D-sg-jjjjjjjjjjjj

T.S. Balaram, Income Tax Officer v. Volkart Brothers. Citation: (1971) 82 ITR 50 (S.C.) / AIR 1971 SC 2204. Available at: https://indiankanoon.org/doc/271192/

The Taxation Officer / Deputy Commissioner of Income Tax v. Rupafil Ltd. Citation: 2018 PTD (Supreme Court) 173. Available at: https://multantaxbar.com/caselaw.aspx?citation=2018%20PTD-SUPREME-COURT%201734

Asia Poultry Feeds (Pvt.) Ltd. v. Federal Board of Revenue. Citation: 2016 PTD (Lahore High Court) 270. Available at: https://caselaw.shc.gov.pk/caselaw/view-file/MTYxNjM4

M/s Kirthar Pakistan B.V. v. The Commissioner Inland Revenue. Citation: ITRA (D) No. 170/2018 / ITRA No. 219 of 2011 (High Court of Sindh). Available at: https://cases.shc.gov.pk/khi/web/index.php?r=cases%2Fview&id=276187

Commissioner Inland Revenue v. M/s Sui Northern Gas Pipelines Ltd.. Citation: Civil Appeals No. 1443 to 1447 of 2018 (Supreme Court of Pakistan). Available at:

Online ISSN 3007-3197
Print ISSN 3007-3189
http://amresearchreview.com/index.php/Journal/about

https://www.fccp.gov.pk/

Commissioner of Income Tax v. Pakistan Petroleum Ltd. Citation: 2001 SCMR 121 (Supreme Court of Pakistan). Available at: https://caselaw.shc.gov.pk/caselaw/view-file/MTAxMjY=

Commissioner Inland Revenue, Karachi v. ENI Pakistan (M) Ltd. Citation: 2014 PTD 1511 / 2013 PTD 508 (High Court of Sindh). Available at: https://caselaw.shc.gov.pk/caselaw/view-file/MTUzNDUzY2Ztcy1kYzgz

Workers' Welfare Funds v. East Pakistan Chrome Tannery (Pvt) Ltd (2017 SCMR 312 / 2017 PLD SC 28). Available at: https://caselaw.shc.gov.pk/caselaw/view-file/MTI0MzgzY2Ztcy1kYzgz

Islam ud Din v. Income Tax Officer (2002 PTD 2121 / 2002 PTD 1). Available at: https://multantaxbar.com/caselaw.aspx?citation=2002%20PTD-SUPREME-COURT%201&f=2010

Commissioner of Income Tax v. National Food Laboratories (1992 SCMR 1002). Available at: https://www.pakistanlawsite.com/

K. Subnani Construction Co. v. Assistant Commissioner of Income Tax ((2012) 348 ITR 314 (Bom)). Available at: https://indiankanoon.org/doc/1179337/

Dr. (Mrs.) Beena Rahul Mishra v. Income Tax Officer / CIT ((2009) 318 ITR 338 (Bom))
Available at: https://indiankanoon.org/search/?formInput=cites:356274

Commissioner Inland Revenue, Zone-I v. Siemens Pakistan Engg. Co. Ltd. (2017 PTD 903, High Court of Sindh). Available at: https://www.multantaxbar.com/caselaw.aspx?citation=2017%20PTD-KARACHI-HIGH-COURT-SINDH%20903

Inland Revenue Appellate Tribunal of Pakistan (2024 PTD 1062 / I.T.A. No. 644/LB/2023). Available at: https://pakistanlawyer.com/income-tax-ordinance-xlix-of-2001-sections-120-122-170-221-2024-ptd-1062-inland-revenue-appellate-tribunal-of-pakistan-i-t-a-no-644-lb-2023-decided-on-26th-february-2024/

Income Tax Appellate Tribunal Pakistan (2007 PTD 769) Available at: https://www.multantaxbar.com/caselaw.aspx?citation=2007%20PTD-INCOME-TAX-APPELLATE-TRIBUNAL-PAKISTAN%20769&f=2010

Assistant Commissioner of Income Tax v. Saurashtra Kutch Stock Exchange Ltd. ((2008) 305 ITR 227 (SC)) Available at: https://indiankanoon.org/doc/272390/

M/S K.L Sharma & Sunita Maheshwari v. DCIT Central (2023 ITAT Indore)
Available at: https://indiankanoon.org/doc/12172267/

Taj Sats Air Catering Ltd. v. Assessee (ITAT Mumbai, 2012)
Available at: https://indiankanoon.org/doc/78391377/

1. Calcutta Steel Co. Ltd. v. Commissioner of Income Tax ((1991) 191 ITR 632 (Cal)
Available at: https://indiankanoon.org/search/?formInput=cites:83711