

Contempt of court petition: LHC seeks report from President's office and FBR's Commissioner

Office of the President of Pakistan and FBR's Commissioner shall file report to Lahore High Court (LHC) in a contempt of court petition moved by an aggrieved taxpayer of Regional Tax Office Bahawalpur whose refunds have been denied by the Commissioner even after obtaining orders from Federal Tax Ombudsman (FTO). It is reliably learnt that a contempt of court petition has been moved by a taxpayer of RTO Bahawalpur through Waheed Shahzad Butt.

The petitioner/taxpayer states that he questions the working of President of Pakistan as appellate authority under FTO Ordinance, 2000 and FBR functionaries to play with the precious resources of national exchequer (taxpayer's money) under the umbrella of powers available with IRS officials and ultimate wastage of taxpayer's money in futile litigation either by passing patently illegal orders or retaining taxpayer's money in shape of refunds and then defending it to save the skin of higher authorities.

In contempt of court petition the petitioner states, "Respondents are blatantly involved in violating the verdicts of binding nature issued by the LHC in WP No 11983 which is also confirmed by the Supreme Court in CA No 1074. Rule of law is the foundation of the democratic society. The judiciary is the guardian of the rule of law. If the orders of the court are disobeyed with impunity by those who owe it an obligation to society to preserve the rule of law, not only would individual litigants suffer, the whole administration of justice would be brought into disrepute. Everyone, whether individually or collectively is unquestionably under the supremacy of law. Whoever, he may be, however high he is, and he is under the law. The dignity and authority of the courts have to be respected and protected at all costs.

Respondents (the president and commissioner) acted illegally, arbitrarily with mala fide intention and refused the lawful right of the petitioner under the garb of Section 32 of the FTO Ordinance, 2000 by willfully flouting and disregarding the unambiguous orders passed by LHC. Cognisance may very graciously be taken for gross criminal Contempt of LHC and respondents may kindly be punished and stopped from doing any act prejudicial to the taxpayer citizens of Pakistan.

Tax counsel Waheed added that earlier in the instant case LHC had ruled in WP 30317-17 that President of Pakistan has passed a wholly illegal and unlawful order against FTO as representation filed by FBR was patently time barred and as such could not have been entertained by the President. In WP No 30317-17, the LHC order states, "There is, therefore, no doubt in the mind of this court that President has passed a wholly illegal and unlawful order which is not sustainable in law and facts of the case. In this view of the matter, this writ petition is allowed and order dated 17.11.2016 is set aside being without lawful authority and of no legal effect."

The LHC ordered, "Contends that the judgement passed this Court, upheld by the Supreme Court of Pakistan is not complied with in letter and spirit by the respondents. Deputy Attorney General seeks some time to file report on behalf of both the respondents on or before the next date of hearing."

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