

Cases under AMLA: LHC suspends notices issued by FBR wing

Lahore High Court (LHC) has suspended the notices issued by the Directorate General (Intelligence & Investigation) Inland Revenue, Federal Board of Revenue (FBR), to frame cases against taxpayers under Anti-Money Laundering Act, 2010.

Sources told *Business Recorder* here on Friday that the LHC has suspended the applicability of the Anti-Money Laundering Act, 2010 by the Directorate General (Intelligence & Investigation) Inland Revenue FBR while hearing a petition. According to the order of the LHC in writ petition No. 84851/2017, the counsel for the petitioner contends that the notice issued by the respondent No. 3 (Directorate General Intelligence & Investigation) is incompetent and without lawful authority since the Directorate General (Intelligence & Investigation) has not been constituted as required under section 230 of the Income Tax Ordinance, 2001 and also no notification in terms of section 24 of the Anti-Money Laundering Act, 2010 has been issued which is a sine qua non for authorizing the investigating officer to undertake any investigation.

The petitioner has further challenged the SRO 611(I)/2016 on the touchstone of a judgment of the Supreme Court of Pakistan reported as Messrs Mustafa Impex, Karachi and others vs the government of Pakistan through federal secretary finance and others (2015 PTD 2269).

The LHC has issued pre-admission notice for November 15, 2017 to the respondents, including the additional AG on behalf of the respondent No. 1 (Federation of Pakistan). The notices to the respondent No. 2 (DG I&I) and 3 (DD I&I) have also been issued. Subject to notice and till the next date of hearing, the notice dated 13.9.2017 issued by respondents are suspended by LHC, the LHC order added.

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