

**IN THE TAX APPEAL TRIBUNAL
SOUTH-EAST ZONE
HOLDEN AT ENUGU**

APPEAL NO. TAT/SEZ/010/15

BETWEEN

FEDERAL INLAND REVENUE SERVICE.....APPELLANT

AND

ADAOBI NIGERIA LTD.....RESPONDENT

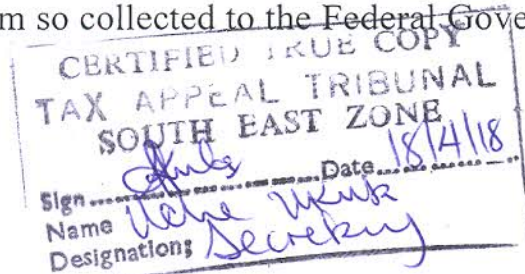
BEFORE THEIR LORDSHIPS

Chairman: Prof. C.J. Amasike

**Commissioners: Ignatius Chibututu, Esq.
Dr. [Mrs.] Josephine A.A. Agbonika
Chief Ngozi I. Amaliri
Prof. Eddy Omolehinwa**

JUDGMENT

The Appellant is a Federal Government of Nigeria statutory body established under the Federal Inland Revenue Service Act 2007, and is vested with the powers, inter alia, to administer and manage the Value Added Tax, Companies Income Tax, Education Tax, Withholding Tax, among other taxes. It is therefore empowered by the Act to do such things as may be necessary or expedient for the proper assessment and collection of taxes as specified in the 5th Schedule of the said FIRS Act 2007, and to account for the entire sum so collected to the Federal Government of Nigeria.



The Respondent is a company registered under the Companies And Allied Matters Act with its office at km 115, Old Aba/Owerri Road Aba, Abia State. The Respondent at all times material to this case carried on business as a company registered under the Companies And Allied Matters Act and was therefore under a legal obligation to render accurate tax returns and make prompt payment of all taxes it is enjoined to pay.

Routine Tax Audit by the Appellants between the period 2009 – 2013 showed that the Respondents had a tax liability of Five Hundred Thousand, Six Hundred and Thirty-four Naira [N500, 634.00] broken down as follows:

CITA - N306, 546.00

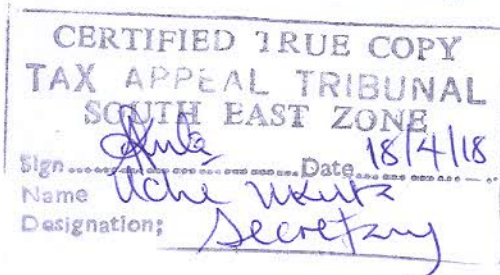
E.T. - N21, 456. 00

V.A.T- N172, 623.00

Despite letters and demand notices from the Appellant, the Respondent failed, refused and/or neglected to pay the taxes.

This matter was filed on the 27th of August, 2015 by the Appellant against the Respondent for the sum of Five Hundred Thousand, Six Hundred and Thirty-four Naira [N500, 634.00] being Company Income Tax, Education Tax And Value Added Tax owed the Appellant by the Respondent. After regularizing the processes, the matter was adjourned to 23rd November for definite hearing.

On 23rd November 2015, the Appellant informed the Tribunal that the Respondent had commenced payment and had made two installmental payments of One Hundred and Seventy-Two Thousand, Six Hundred and Twenty-Two Naira, Ninety Five Kobo [N172, 622. 95] and One Hundred and Nineteen Thousand, Nine Hundred and Forty-Two Naira, Seventy kobo [N119, 942. 70]. The total amount paid out of the total liability of Five Hundred Thousand, Six Hundred and Thirty-Four Naira [N500, 634.00] is Two Hundred and Ninety-Two Thousand, Five Hundred and Sixty-Five Naira, Sixty-Five Kobo [N292, 565. 65] with an outstanding balance of Two Hundred and Seven Thousand and Sixty-Eight Naira, Thirty-Five Kobo [N207, 068. 35].

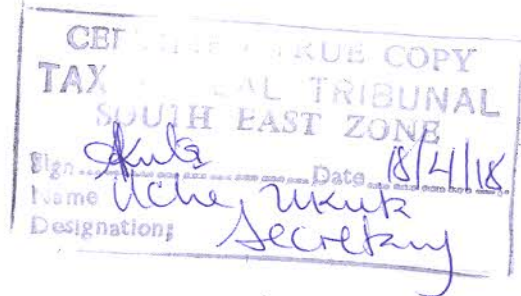


Since the Respondents are not disputing the said balance, judgment is hereby given in favour of the Appellant in the sum of Two Hundred and Seven Thousand and Sixty-Eight Naira, Thirty-Five Kobo [N207, 068. 35].

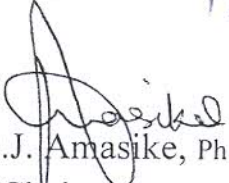
We have considered the plea of the Respondent's Counsel on behalf of his clients for time to enable them pay and therefore allowed them to make the payment on or before the end of February 2016.

This is the judgment of this Honourable Tribunal.

There is no order as to costs.



Signed


Prof. C.J. Amasike, Ph.D
Chairman

Tax Appeal Tribunal, South East Zone

Date:

24th Nov. 2015