

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

APPEAL NO. TAT/SEZ/038/14

BETWEEN

FEDERAL INLAND REVENUE SERVICE .....APPELLANT

AND

EXCELLENTIA HOTELS NIGERIA LTD .....RESPONDENT

BEFORE THEIR HONOURS

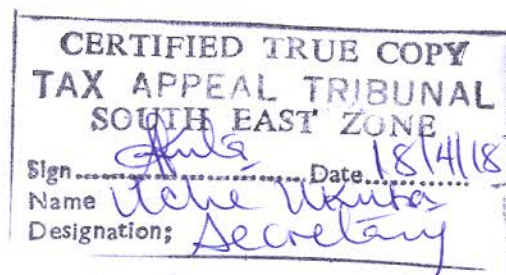
Chairman: Prof. C. J. Amasike

Commissioners: Ignatius Chibututu, Esq.

Dr. [Mrs.] Josephine A. A. Agbonika

Prof. Eddy Omolehinwa

Chief. Ngozi I. Amaliri.



JUDGMENT

This is a VAT liability for a period covering 2009 and 2012. The total amount of liability is broken down as follows:

June – Dec. 2009	Twenty Five Thousand Naira [₦25,000.00]
Penalty and Interest	Eighty Thousand Naira [₦80,000.00]
January – December 2010	Sixty Thousand Naira [₦60,000.00]
Penalty and Interest	One hundred and Fifty Thousand Naira [₦150,000.00]

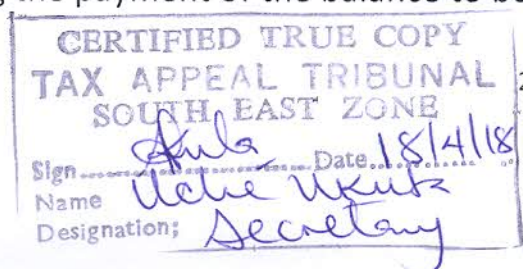
January – Dec. 2011	Sixty Thousand Naira [₦60,000.00]
Penalty and Interest	One Hundred and Fifty Thousand Naira [₦150,000.00]
January – April 2012	Twenty Thousand Naira [₦20,000.00]
Penalty and Interest	Twenty Thousand Naira [₦20,000.00]
Total	Five Hundred and Sixty-Five Thousand Naira [₦565,000.00]

The principal liability is One Hundred and Sixty-Five Thousand Naira [₦165,000.00] while interest and penalties amount to Four Hundred Thousand Naira [₦400,000.00], totaling Five Hundred and Sixty-Five Thousand Naira [₦565,000.00]

The Respondent was not at the Tribunal on 14<sup>th</sup> January, 2015, when the matter was mentioned. It was adjourned to 2<sup>nd</sup> February, 2015, for hearing. On 2<sup>nd</sup> February 2015, Counsel for the Appellant, N.K. Nwogu-Ikojo, informed the Tribunal that they were already discussing settlement with the Respondent and sought a date for Report of Settlement. On 9<sup>th</sup> of March 2015, the Appellant was represented by N.K. Nwogu-Ikojo while the Respondent was represented by J.O. Ajuga. The Respondent Counsel informed the Tribunal that they were not denying liability, but wanted a waiver of some penalties and interests.

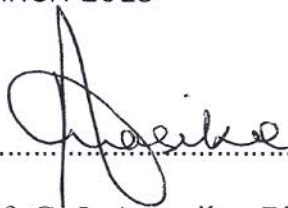
The Tribunal after hearing both parties held that since the Respondent had admitted owing the tax liability of Five Hundred and Sixty-Five Thousand Naira [₦565,000.00], it was binding on them and therefore they should pay the said amount. The Tribunal noted that as pathetic as their case may be, the liability had crystalized and therefore payable.

Bearing in mind the Respondents had paid Two hundred and Eighty-Two Thousand, Five Hundred Naira [₦282,500.00] before this sitting the Tribunal has agreed to give them the soft landing by allowing the payment of the balance to be



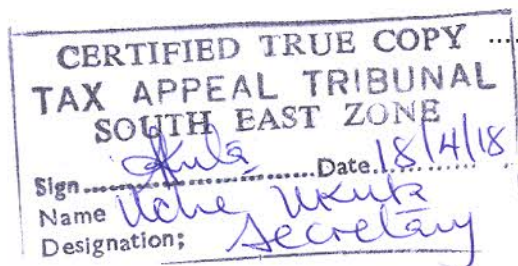
made in two equal installments payable in April and June 2015. This is the judgment of this Tribunal. Parties may appeal within 30 days if they are not satisfied. No orders as to costs.

DATED THIS 9<sup>TH</sup> OF MARCH 2015



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

Chairman



N.K Nwogu-Ikojo for the Appellant

J.O. Ajuga for the Respondent.