

**IN THE TAX APPEAL TRIBUNAL
SOUTHWEST ZONE**



HOLDEN AT IBADAN

THIS WEDNESDAY, 29TH APRIL, 2015

APPEAL NO: TAT/IB/017/2012

BEFORE:

- | | |
|--------------------------------------|-----------------------|
| 1. Honourable Joseph A. Ushie | (Chairman) |
| 2. Honourable Cyril I. Ede | (Commissioner) |
| 3. Honourable Jibril N. Useni | (Commissioner) |

SPECTRUM BOOKS LTD

- APPELLANT

AND:

FEDERAL INLAND REVENUE SERVICE

- RESPONDENT

CONSENT JUDGMENT

This appeal was transferred from Tax Appeal Tribunal, Abuja Zone to Tax Appeal Tribunal, South-west Zone, Ibadan on 20th June, 2012.

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01/06/2015

The Appellant commenced the action before the defunct Body of Appeal Commissioners, Abuja in February, 2008, being aggrieved with the Assessment of ₦9,363,528.00 for 2000 – 2005 years of assessment.

On 14th August, 2012, Learned Counsel for the Appellant Mr. E. O. Leyimu applied for time to enable both parties to reconcile the appropriate tax liabilities of the Appellant by a Review Committee.

The recommendations of the Review Committee as approved by the FEDERAL INLAND REVENUE SERVICE Management and conveyed to the Appellant on 11th June, 2013, are as follows:-

"SPECTRUM BOOK LIMITED

TAX LIABILITIES FOR 2002-2006 YEARS OF ASSESSMENT

Sequel to your letter dated 25th September, 2012 objecting the additional tax liabilities that arose from the tax audit exercise for 2002 to 2006 years of assessment and subsequent litigation that is on-going, I am directed to convey the FIRS Management's approval to revise the assessment for the years 2002-2006 based on the recommendation of the Review Committee set up for that purpose as detailed below:-

	₦
CIT	3,181,581.00
EDT	199,956.00
WHT	967,025.00

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VAT	<u>388,025.00</u>
TOTAL LIABILITIES	<u>4,736,587.00"</u>

The Appellant has since paid the total assessment tax of ₦4,736,587.00 and the payment has been confirmed by the Respondent.

The Tribunal is therefore satisfied with the process that led to the amicable settlement of the Appellant's tax liability.

In the case of NDE Vs FALASAYO and Others (2007) LPELR8843 (CA)

The Court of Appeal held that:

*"To have a consent judgment the parties must be **ad idem** as far as the agreement is concerned, and the Terms of Settlement must be filed in the Court, it is when the Court makes an order based upon such Terms of Settlement that a consent judgment emerges"*

In the case of KAMBA Vs BAWA (2005) 4NWLR PT 914 @ PG 43, it was held that:

*"in other to have consent judgment, the parties must be **ad idem** (their mind must agree) and in order to have a binding effect on the parties, it is imperative that it should have the blessing of the Court."*

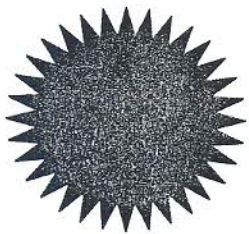
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In view of the foregoing therefore, it is proper and reasonable to conclude that the Appellant has completely discharge its tax obligation to the Respondent

The Appellant is hereby discharged of the tax liability of ₦4,736,587.00 for 2002-2006 years of assessment.

This is a consent judgment.

DATED AT IBADAN THIS 29TH DAY OF APRIL, 2015



1. Honourable Joseph A. Ushie (Chairman)

2. Honourable Cyril I. Ede

3. Honourable Jibril N. Useni

(Commissioner)

(Commissioner)

E. O. Leyimu

-

For the Appellant

Y. Mathew (Mrs)

-

For the Respondent

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