

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

10/FEB/2014

APPEAL NO. TAT/SEZ/003/13

BETWEEN:

**FEDERAL INLAND REVENUE SERVICE..... APPELLANT**

**AND**

**SCOA HERITAGE NIG. LTD..... RESPONDENT**

**BEFORE THEIR LORDSHIPS**

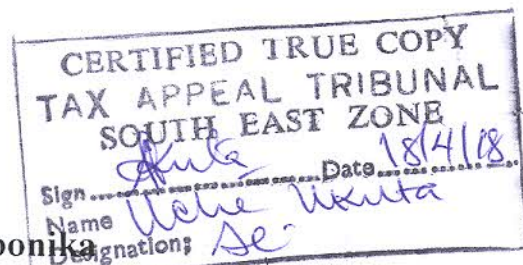
**Chairman: Prof. C. J. Amasike**

**Commissioners: Ignatius Chibututu, Esq.**

**Dr. (Mrs) Josephine A.A Agbonika**

**Prof. Eddy Omolehinwa**

**Chief Ngozi I. Amaliri Esq.**



**RULING**

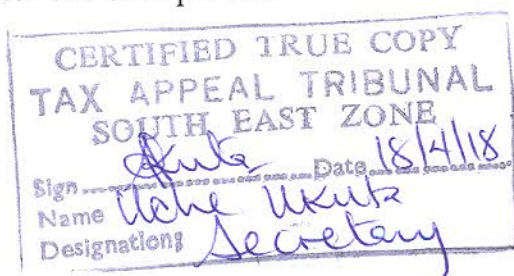
The Appellant is a statutory body established under the Federal Inland Revenue Service Act, 2007 and is vested with the power to administer and manage the Value Added Tax Act 1993 [as amended] and Companies Income Tax Act cap 60, LFN 1990. It is empowered by the Acts to do such things as may be necessary or expedient for the proper assessment and collection of the Value Added Tax of 5%

and Company Income Tax and account for the entire amount so collected to the Federal Government of Nigeria. As a result of the above, the Appellant is also empowered by the Acts to conduct routine Value Added Tax and Companies Income Tax Monitoring/Compliance Exercises on all companies that deal in taxable goods and services and ensure that the companies render returns to the Appellant as required by the law.

The Respondent is a company registered under the Companies and Allied Matters Act with its registered office at No. 8, Onwurah Street, Awka, Anambra State. At all material times, the Respondent carried on the business of printing and publishing and had a duty to pay Value Added Tax.

By virtue of the nature of its business the Respondent being a VAT collector was liable to register for VAT and to render to the Appellant true and accurate monthly returns of all VAT-able goods and services supplied by it.

Routine audit of the accounts of the Respondent for the year 2010 revealed that the VAT liability for the said period stood at **Three Hundred and Sixty-Nine Thousand Naira Only [N369,000.00]**. Assessment notices were raised and served on the Respondent showing the said liabilities. The Applicant wrote letters dated **10<sup>th</sup> August 2011, 14<sup>th</sup> May 2012, 30<sup>th</sup> April 2013 and 16<sup>th</sup> July 2013** to the Respondent to inform the Respondent of the consequences of its failure, refusal or neglect to remit and render its monthly returns to the Applicant as required by Law. Despite several letters written to the Respondent in an effort to get the Respondent to remit and render its tax returns, the Respondent has failed, refused and neglected to remit and render its monthly returns of taxable services to the Applicant as required by the Act for the said period.

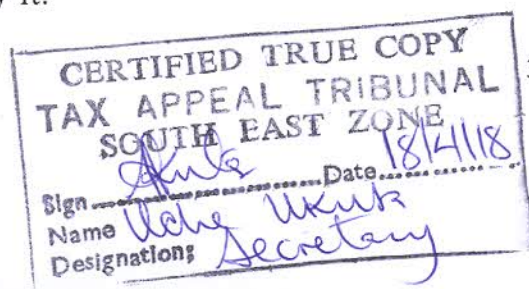




## GROUNDS OF APPEAL

In setting its grounds of appeal the Appellant stated inter alia as follows:

- i. THAT the Respondent being a VAT collector refused, failed or neglected to file returns and remit VAT for the period between 2010 and 2012.
- ii. The Applicant is a statutory body established under the Federal Inland Revenue Service Act, 2007 and is vested with the power to administer and manage the Value Added Tax Act 1993 as amended and Company Income Tax Act cap 60, LFN 1990.
- iii. The Applicant is empowered by the Act to do such things as may be necessary or expedient for the proper assessment and collection of Value Added Tax of 5% and Company Income Tax and account for the entire amount so collected to the Federal Government of Nigeria.
- iv. Sequel to ii above, the Appellant is also empowered to conduct routine Value Added Tax monitoring/compliance exercise on all companies that deal in taxable goods and services and ensure that the companies render returns to the appellant as required by law.
- v. The Respondent being a company registered under the Companies and Allied Matters Act with its registered office at No. 8, Onwurah Street, Awka, Anambra State, had at all times material carried on the business of printing and publishing and had a duty to pay Value Added Tax.
- vi. The Respondent as a VAT collector is liable to register for VAT and render to the Appellant true and accurate monthly returns of all VAT-able goods and services supplied by it.

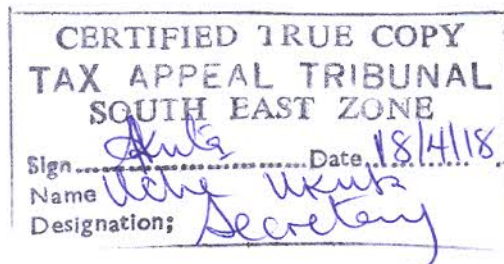


- vii. Routine audit of the account of the Respondent for the year 2010 revealed that the VAT liability for the said period stood at **Three Hundred and Sixty-Nine Thousand Naira Only [N369,000.00]**.
- viii. Assessment notices were raised and served on the Respondent showing the said liability.
- ix. In addition, the Applicant wrote letters dated 10 August, 2011, 14 May 2012, 30 April 2013 and 16 July 2013 to the Respondent to inform them of the consequences of failure, refusal or neglect to remit and render monthly returns to the Applicant as required by Law.
- x. Despite several letters written to the Respondent in an effort to get the Respondent to remit and render its tax returns, the Respondent failed, refused and neglected to remit and render its monthly returns of taxable services to the Appellant as required by the Act for the said period.
- xi. Notice was given to the Respondent to provide the original copies of the letters referred to at the hearing of this suit.

As a result of the above claims, the Appellant sought the following reliefs from the Tribunal:

An Order of the Tribunal compelling the Respondent to pay the Appellant:

- I. The sum of **Three Hundred and Sixty-Nine Thousand Naira Only [N369,000.00]** as tax due from Respondent to the Appellant for the period between 2010 and 2012.
- II. Any other order(s) as the Tribunal may deem fit to make in the circumstances of the case.

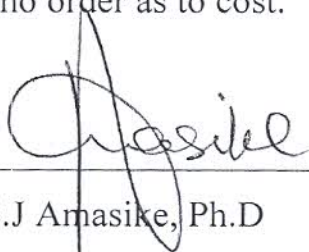


When the matter came up for mention on 11<sup>th</sup> February, 2014, N.K. Ikojo, Counsel for the Appellant drew the Tribunal's attention to the notice of withdrawal dated 10<sup>th</sup> February, 2014. She said that between the date of filing and the date of mention, the total liability had been liquidated.

Relying on the order 14, Rule 1 of the Tax Appeal Tribunal Rule, she applied that the case be discontinued on the basis of full liquidation of the tax liability.

The Tribunal being satisfied that all the tax liability has been liquidated, hereby grants the application as prayed and no order as to cost.

Signed



Prof. C.J Amasike, Ph.D

Chairman

Tax Appeal Tribunal [S.E.Z]

CERTIFIED TRUE COPY	
TAX APPEAL TRIBUNAL	
SOUTH EAST ZONE	
Sign.....	Date.....18/4/18
Name.....	
Designation.....	Secretary

