

IN THE TAX APPEAL TRIBUNAL
NORTH CENTRAL ZONE
SITTING AT JOS
ON THURSDAY, 20TH FEBRUARY 2014
BEFORE THEIR HONOURS

HON. ABRAHAM NDANA YISA
HON. HASHIYA BEN UMAR
HON. OLUSOLA IBIDAPO-OBE
HON. JOSEPH O. IHEKWEREME
HON. JIBRIL NGATKYA USENI

CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

APPEAL NO: TAT/NCZ/002/2013

BETWEEN

FEDERAL INLAND REVENUE
SERVICE.....APPELLANT

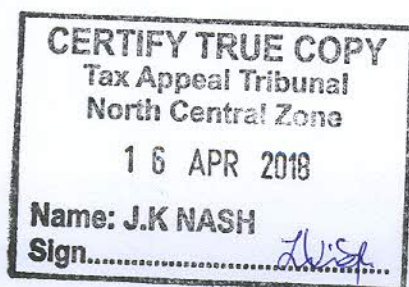
AND

1. LAGWADA RESTAURANT
2. THE MANAGING DIRECTOR,
LAGWADA RESTAURANT

.....RESPONDENTS

JUDGEMENT

This is an Appeal filed by the Appellants in which they claim for Value Added Tax due and collected by the Respondents for the period of Assessment i.e January to December 2012 and January and February 2013 in the sum of N537,245.90 (Five Hundred and Thirty Seven Thousand, Two Hundred and Forty Five Naira, Ninety Kobo), but not remitted. When this



matter came up for hearing before the Tribunal on the 17th day of December 2013, there was evidence that the Respondents had been served with a Hearing Notice but failed to be in Court.

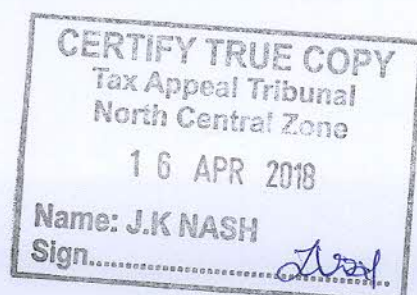
The Appellant represented by Usman Shamaki and Mrs. Talatu Aliyu had a witness in Court and were ready to go on, to prove their case.

They called one witness Odu Alechenu Agada, Officer II Tax, Lafia MSTO. The witness testified that he works with the Return and Processing Department of the Lafia Micro and Small Tax Office. He said it was part of his duties to raise assessment for Taxpayers, conduct verification exercise, registration and numbering of assessment forms and any other duties that may be assigned to him by the Tax Controller. He testified that he had worked with the Unit for three years and that he is conversant with this case.

He testified that he had made a witness statement on oath, which he identified and wanted to adopt as his evidence before the Tribunal. He identified a letter titled Verification Exercise November 2011-February 2013, dated 17th March 2013, that had been sent to the Respondent. The said letter was admitted and marked Exhibit "1".

The witness also identified a letter dated the 3rd day of April 2013 with Ref No LFC/LIVF/07/2013 headed Value Added Tax Act, Cap 6 LFN 2004: NON COMPLIANCE which was admitted as Exhibit "2". The witness also identified the report on valuation, which he said he signed with Hadiza Abdulkarim. The said report headed "Report on Verification Exercise conducted on Lagwada Restaurant, Jos Road, Lafia was admitted in Evidence and marked Exhibit "3". The witness also testified on a letter dated the 25th day of April 2013, which he identified. The said letter Ref. No. LFC/3/13 14191292-001- headed Invitation for Reconciliation and dated 25th April 2013 was admitted in evidence and marked Exhibit "4".

The witness testified further that he did not receive any response from the Respondents and they have not made any payment since those Exhibits were sent to them.



The Counsel to the Appellant sought that the Tribunal enters judgment for the Appellant based on the evidence of the witness.

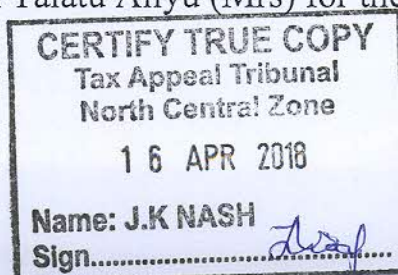
We have looked through all the Exhibits tendered by the Appellant and we watched the witness testifying. We also believe that as reported to the Tribunal by the Registrar, the Respondents were served with a Hearing Notice and failed to show up and put in a defence. We believe the testimony of P.W.1 and believe that the sum stated on Exhibits particularly Exhibit "3" are due from the Respondents to the Appellant.

We enter judgement for the Appellant against the Respondents:

1. In the sum of N537,245.90. (Five hundred and thirty seven thousand Two hundred and forty five Naira, Ninety kobo) being Value Added Tax unremitted for the period of January –December 2012 and also January-February 2013;
2. Penalty on the unremitted Value Added Tax at the rate of 10% Per annum on the said sum of N537,245.90 (Five Hundred and Thirty Seven Thousand, Two Hundred and Forty Five Naira, Ninety Kobo) from January-December 2012 and also January-February 2013 till the total debt is completely liquidated;
3. Interest on the unremitted Value Added Tax of N537,245.90 (Five Hundred and Thirty Seven Thousand, Two Hundred and Forty Five Naira, Ninety Kobo) from January-December 2012 and also January-February 2013 at the rate of 21% per annum till the total debt is liquidated.

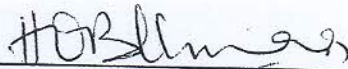
Legal Representation

- Usman Shamaki Esq, with Talatu Aliyu (Mrs) for the Appellant.



- Respondents not represented

DATED AT JOS, THIS 20th DAY OF FEBRUARY 2014



HON. HASHIYA BEN UMAR
Presiding

