



**TRANSPARENCY
INTERNATIONAL-PAKISTAN**

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26th November, 2013

Mr. Tariq Bajwa,
Chairman,
Federal Board of Revenue,
Government of Pakistan,
Islamabad.

Sub: Complaint of extraordinary delay in payment of Advocate fee of Rs 1 million by FBR,
for case in which FBR got court orders to recover revenue of Rs over Rs 43 million

Dear Sir,

Transparency International Pakistan has received complaint from Advocate Sohail Muzaffar dated 29th September 2013 addressed to Collector Customs preventive for the extraordinary delay in payment of Advocate fee of Rs 1 million by FBR, for case in which FBR got court orders to recover revenue of Rs over Rs 43 million.

Additional Collector M Yaqoob Makao agreed with fee of Rs 1 million, and the bill was sent in March 2013. Copies of the letter of Advocate Sohail Muzaffar dated 29th September 2013 with enclosures is enclosed.

The matter was taken up by me with the Mr Tariq Huda Collector preventive, who has informed that they have sent the payment request for approval of FBR on 25 March 2013, vide No SI/MISC/73/2012-AFU, which is pending with member Legal FBR since last 8 months. Copy enclosed.

The Chairman fbr is requested to kindly look into the matter, as such days in payment of lawyer's fee of only Rs 1 million where FBR was able to collect Rs 47 million revenue, are the route cause of corruption, and no reputable lawyer will work for FBR.

With Regards,


Syed Adil Gilani
Adviser

Copies forwarded for the information and action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Senator Ishaq Dar, Minister of Finance, with request to take immediate action,
3. Chairman, NAB, Islamabad, this may be act of undue favor under NAO 1999, Article 9(a) (vi),
4. Federal Tax Ombudsman, Islamabad,
5. Registrar, Supreme Court of Pakistan, Islamabad.

04-03-2013

FEE INVOICE

COPY

Collector of Customs
(Preventive)
Custom House,
Karachi.....

DR

Fee for the professional
Services rendered in
C.P.D-216/2013
Lucky Cement Ltd versus
Federation of Pakistan & Others
as agreed by
Mr. Muhammad Yakoob Mako
Additional Collector,
Karachi Airport, Copy of
Judgment enclosed.....Rs. 10,00,000/-

Rs. One Million only



(Sohail Muzaffar)
Advocate Supreme Court.



GOVERNMENT OF PAKISTAN
MODEL CUSTOMS COLLECTORATE OF PREVENTIVE
CUSTOM HOUSE, KARACHI
(Ph: 021-99214168 / Fax: 021-99214234)

No. SI/Misc/73/2012-AFU

Dated: 25.03.2013

Member (Legal),
Federal Board of Revenue,
Islamabad.

Subject:- FILING OF CPLA BEFORE THE HONOURABLE SUPREME COURT OF PAKISTAN AGAINST JUDGMENT PASSED BY THE HONOURABLE HIGH COURT OF SINDH IN C.P. NO. D-216/2013 DATED 26.02.2013

Kindly refer to the Collectorate's letters No. SI/Misc/73/2012-AFU dated 22.01.2013 & No. SI/Misc/73/2012-AFU dated 23.01.2013 and find enclosed herewith a self-explanatory advice of Mr. Sohail Muzaffar, ASC filing of CPLA before the Honourable Supreme Court of Pakistan (copies enclosed).

2. It is requested that necessary permission may be accorded to file a CPLA; last date of filling of CPLA is 21 April, 2013:

3. Since, the Honourable Sindh High Court has ordered the petitioner to pay the Advance Income Tax and an amount of Rs.43,443,567/- has been paid by M/s Lucky Cement, therefore, special fee of Rs.1 million as requested earlier may also be sanctioned on priority to Mr. Sohail Muzzafar, ASC.

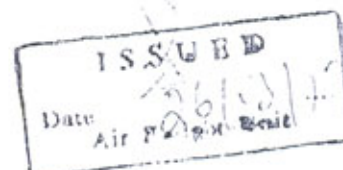

(Abdul Rashid Sheikh)
o/c Collector

Encl: (i) As above.
(ii) Judgment of Honourable Sindh High Court.

Copy to:-

- 1) Member (Customs), Federal Board of Revenue, Islamabad.
2) Chief Collector of Customs (South), Enforcement, Custom House, Karachi.
3) Mr. Sohail Muzaffar, ASC.

25/3/13



Sohail Muzaffar
Advocate Supreme Court of Pakistan

Suite # 1-A, Plot No. 25-C, Street No.
Badar Commercial Area, Phase V (Ex
Defence Officers Housing Authority, Karachi
Tel: 5843967-68 Fax: 5849465

COPY

26-09-2013

Collector of Customs,
Preventive
Model Customs Collectorate,
Custom House,
Karachi

Dear Sir,

Subject: Constitutional Petition No: D-216 of 2013 filed by Lucky Cement Limited
Against Federation of Pakistan & Others.

With reference to the above cited subject, I sent my bill for the amount agreed and the letter too was issued by the learned Collector (Preventive) in that regard fixing the fee of Rs. One million.

I sent the bill to the learned Additional Collector of Customs (Airport) on 04-03-2013 with my covering letter addressed to him. Thereafter I sent another letter to the learned Collector on 24-04-2013 but my bill till date remained unpaid nor my letters were acknowledged.

This is the third experience I have with this Custom House viz a viz my bills. I hope that you will look into this matter and will direct that the payment be made to me in next 15 days as almost 5 months have already passed.

Hope to get a positive reply.

Yours truly,


(Sohail Muzaffar)
ASC

Encl: Copy of letters dated 04-03-2013 and 24-04-2013 along with the copy of bill dated 04-03-2013.

Copy to Mr. Muhammad Yakoob Mako, Additional Collector of Customs, Karachi Airport, for information and record.

COPY

26-09-2013

Collector of Customs,
Preventive
Model Customs Collectorate,
Custom House,
Karachi

Dear Sir,

Subject: Constitutional Petition No: D-216 of 2013 filed by Lucky Cement Limited
Against Federation of Pakistan & Others.

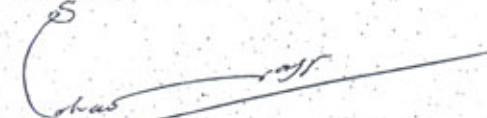
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Yours truly,


(Sohail Muzaffar)
ASC

Encl: Copy of letters dated 04-03-2013 and 24-04-2013 along with the copy of bill dated 04-03-2013.

04-03-2013

Mr. Muhammad Yakoob Mako,
Additional Collector of Customs,
Karachi Airport.

COPY

Dear Sir,

Subject: Constitutional Petition No: D-216 of 2013 filed by Lucky Cement Limited
Against Federation of Pakistan & Others.

This is with reference to our meeting on the above cited subject.

The matter has been decided by the Honorable High Court by a Judgment dated 26-02-2013, whereby the petitioner have been ordered to pay advance Income Tax and the prayer made in the petition to that extent has been dismissed.

As far as observation and order of the Honorable High Court regarding F.I.R, I am of the view that the FIR was not before the Honorable Court nor was an annexure with the plaint and therefore the quashment of FIR is pre-mature.

Secondly there is no observation or Order regarding issuance or non issuance of Show Cause Notice which is an exclusive Jurisdiction of the adjudicating authority. If the Honorable Court has come to the conclusion that advance Income tax was liable to be paid then the case of evasion of duty and taxes is made out as all taxes and duties at the import stage are to be recovered as Custom duty.

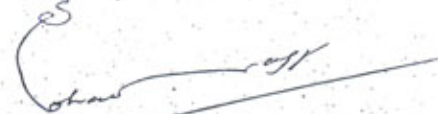
The Honorable Court has not given any specific finding regarding importing of a Lear Jet on the basis of Addendum which in my humble view constitute an offence under Section 32 of the Customs Act, 1969 which is a cognizable offence.

I will therefore suggest that the matter be taken up before the Honorable Supreme Court to get these issues decided.

I am enclosing my bill for the professional services as agreed by you and will request for an early settlement.

Assuring you of my best cooperation at all times.

Yours truly



(Sohail Muzaffar)
Advocate Supreme Court.

Sohail Muzaffar
Advocate Supreme Court of Pakistan

Suite # 1-A, Plot No. 25-C, Street No. 1
Badar Commercial Area, Phase V(Ext)
Defence Officers Housing Authority, Karachi
Tel: 5843967-68 Fax: 5849465

24-04-2013

Collector of Customs,
Preventive
Karachi Airport.

COPY

Dear Sir,

Subject: Constitutional Petition No: D-216 of 2013 filed by Lucky Cement Limited
Against Federation of Pakistan & Others.

This is with reference to letter dated 04-03-2013 address to Mt. Yacooob Mako, the learned Additional Collector, Karachi Airport along which I enclosed the bill for the professional Services rendered in the subject matter.

More than a month has been passed but I did not receive the Cheque which was promised to be paid on disposal of the petition.

Kindly expedite the matter and oblige.

Assuring you of my best cooperation at all times.

Yours truly



(Sohail Muzaffar)
Advocate Supreme Court.