Chapter-V

RETURNS

[26 Return.—(1) Every registered person shall furnish not later than the due date a true [, complete] and correct return in the prescribed form to a designated bank 5[or any other office] specified by the Board, indicating the purchases and the supplies made during a tax period, the tax due and paid and such other information, as may be prescribed.

[Provided that the Board may, by notification in the official Gazette, require any person or class of persons to submit return on quarterly basis:

26_ مامانه گوشواره

[Provided that the Board may, by notification in the official Gazette, require any person or class of persons to submit return on quarterly basis:

Provided further that the Board may, by notification in the official Gazette, require any person or class of persons to submit such return as may be prescribed annually in addition to the monthly return or quarterly return:

Provided also that the return filed electronically on the web or any magnetic media or any other computer readable media as may be specified by the Board shall also be deemed to be a return for the purpose of sub-section (1) and the Board may, by notification in the official Gazette, make rules for determining eligibility of the data of such returns and e-intermediaries who will digitize the data of such returns and transmit the same electronically under their digital signatures.]

(2) 9[....] omitted

(3) A registered person may, subject to approval of the 2[Commissioner Inland Revenue] having jurisdiction, file a revised return within 3[one hundred and twenty] days of the filing of return under sub-section (1) or, as the case may be, sub-section (2), [or under clause (a) or clause (b) of section 27], to correct any omission or wrong declaration made therein.

[Provided that the approval under this sub-section shall not be required if revised return is filed within sixty days of filing of return and either the tax payable therein is more than the amount paid or the refund claimed therein is less than the amount as claimed, under the return sought to be revised.]

(4) Notwithstanding the penalties prescribed in section 33, if a registered person wishes to file revised return voluntarily along with deposit of the amount of tax short paid or amount of tax evaded along with 8[default surcharge], whenever it comes to his notice, before receipt of notice of audit, no penalty shall be recovered from him:

Provided that in case the registered person wishes to deposit the amount of tax as pointed out by the officer of 9[Inland Revenue] during the audit, or at any time before issuance of the show cause notice 10[...], he may deposit the evaded amount of tax, [default surcharge] under section (34), and twenty five percent of the penalty payable under section 33 along with the levied return:

Provided further that in case the registered person wishes to deposit the amount after issuance of show cause notice, he shall deposit the evaded amount of sales tax 11[...],12[default surcharge] under section 34, and full amount of leviable penalty under section 33 along with the revised return and thereafter, the show cause notice, shall stands abated.]

(4) دفعہ 33 میں مقررہ کردہ جرمانوں کے باوجود اگر کوئی رجسوڈ شخص علم میں آنے کے فورابعد اور آڈٹ کے نوٹس کے وصولیابی سے پہلے رصاکارانہ طور پر کم اداشدہ ٹیکس یاچوری شدہ ٹیکس کی رقم معہ ڈیفالٹ سرچارج بذریعہ نظر ثانی شدہ گوشوارہ جمع کرانے کاخواہش مند ہو تو اس سے کوئی جرمانہ وصول نہیں کیاجائے گا۔

شرطیہ ہے کہ اگر کوئی رجسوڈ شخص آڈٹ کے دوران اِن لینڈریونیوا فسر کی نکالی گئی رقم اس کی نشان دہی کے وقت شوکاز نوٹس کے اجراسے پہلے جمع کر اناچاہے ہے تو وہ چوری شدہ رقم، دفعہ 34 کے تحت ڈیفالٹ سرچارج اورد فعہ 33 کے تحت مقررہ کردہ تاوان کا 25 فیصد نظر ثانی شدہ گوشوارہ کے ساتھ جمع کر اسکتا ہے۔

گوشوارہ کے ساتھ جمع کر اسکتا ہے۔

مزید بر آن اگر رجسوڈ شخص شوکاز نوٹس کے اجراء کے بعدر تم جمع کر انے کاخواہش مند ہو تو وہ چوری شدہ سیاز ٹیکس کی رتم اور دفعہ 33 کے تحت ڈیفالٹ سرچارج اور دفعہ 33 کے تحت عائد شدہ تاوان کی پوری رقم نظر ثانی شدہ گوشوارہ کے ساتھ جمع کر ائے گا جس کے بعد شوکاز نوٹس والیس ہوجائے گا۔

(5) The Board may, by notification in the official Gazette, require any person or class of persons, for any goods of such description or class, to furnish such summary or details or particulars pertaining to the imports, purchases and supplies during any tax period or periods, in such format as may be specified.]

26A۔ حذف شدہ

3[26AB. Extension of time for furnishing returns.(1) A registered person required to furnish a return under section 26 may apply, in writing, to the Commissioner for an extension of time to furnish the return.

(2) An application under sub-section (1) shall be made by the due date for furnishing the return in terms of section 2(9) for the period to which the application relates.

- (3) Where an application has been made under sub-section (1) and the Commissioner is satisfied that the applicant is unable to furnish the return to which the application relates by the due date because of—
- (a) absence from Pakistan;
- (b) sickness or other misadventure; or
- (c) any other reasonable cause,

جہاں ذیلی دفعہ (1) کے تحت درخواست دی گئی ہے اور کمشنر مطمئن ہے کہ درخواست دہندہ اس ریٹرن کو پیش کرنے سے قاصر ہے جس کی وجہ سے درخواست مقررہ تاریخ تک متعلقہ ہے۔

پاکستان سے عدم موجودگی (a)

بیماری یا کوئی اور حادثہ یا (b)

کوئی اور معقول وجہ ، (c)

the Commissioner may, by order in writing, grant the applicant an extension of time for furnishing the return.

(4) An extension of time under sub-section (3) shall not exceed fifteen days from the due date for furnishing the return, unless there are exceptional circumstances justifying a longer extension of time:

Provided that where the Commissioner has not granted extension for furnishing the return under sub-sections (3) or (4), the Chief Commissioner may on an application made by the registered person forextension or further extension, as the case may be, grant extension or further extension for a period not exceeding fifteen days, unless there are exceptional circumstances justifying a longer extension of time.

(5) An extension or further extension of time granted under sub-sections (3) or (4), as the case may be, shall not, for the purpose of charge of default surcharge under section 34, change the due date for payment of sales tax under section 6.]

2[27. Special Returns. - In addition to the return specified under section 26 -

(a) a person registered 3[4[] under this Act] shall furnish special return within such date and in such form indicating information such as quantity manufactured or produced, purchases made, goods supplied or payment of arrears made, etc, for such period as the Board may, by a notification in official gazette, specify; and

(b) the 5[commissioner] may require any person whether, registered or not, to furnish a return (whether on his own behalf or as an agent or trustee) in a prescribed form and such person shall furnish the return not later than the date specified in this regard.]

27_خصوصی گوشواره

د فعہ 26میں بیان کر دہ گوشوارہ کے علاوہ:۔

- (a) اس ایکٹ کے تحت رجسٹر ڈشدہ فر دسر کاری گزٹ میں نوٹیفکیشن کے ذریعے صراحت شدہ تاریخ کے اندر فارم کے مطابق کسی خاص عرصہ کے دوران بنائی گئی یا تیار کر دہ اشیا کی مقد ار، خرید اری ،اشیا کی سپلائی ،بقایاجات کی ادائیگی وغیرہ کی اطلاعات کی فراہمی پر مشتمل گوشوارہ داخل کرے گا؛اور
- (b) کمشنر کسی بھی فرد کوخواہ وہ رجسٹر ڈ ہویانہ ہو، اپنی طرف سے یااپنے کسی نمائندے یاٹرٹی کی طرف سے ایک مقرر کر دہ فارم پر گوشوارہ داخل کرنے کا کہہ سکتا ہے اور وہ فرد تاریخ مقررہ کے اندر اندر اس گوشوارہ کو داخل کرنے کایابند ہو گا۔

6[28. Final Return.—If a person applies for de-registration in terms of section 21, he shall before such de-registration, furnish a final return to the 7[commissioner] in the specified form in such manner and at such time as directed by the 8[commissioner]].

29. Return deemed to have been made.— A return purporting to be made on behalf of a person 9[by his duly appointed representative] shall, for all purposes, be deemed to have been made by such person or under his authority unless proved to the contrary.

29۔ یہ سمجھنا کہ گوشوارہ داخل ہوچکاہے

ایک گوشوارہ جو کسی فرد کی طرف سے اس کے مقرر کردہ نما ئندے کی طرف سے داخل کیا گیاہو، تاوقتیکہ برعکس ثابت نہ ہو، اس فرد کی طرف سے ہااس کے اختیار کے تحت داخل کر دہ سمجھا جائے گا۔

Chapter-VI

APPOINTMENT OF 1[OFFICERS OF SALES TAX] &

THEIR POWERS

2[30. Appointment of Authorities. —(1) For the purposes of this Act, the Board may, appoint in relation to any area, person or class of persons, any person to be —
(a) a chief commissioner of Inland Revenue;
(b) a commissioner of Inland Revenue ;
(c) a commissioner of Inland Revenue (Appeals);
(d) an Additional commissioner of Inland Revenue ;
(e) a Deputy commissioner of Inland Revenue;
3[(ea) District Taxation Officer Inland Revenue;]
(f) an Assistant commissioner of Inland Revenue;
4[(fa) Assistant Director Audit Inland Revenue;]
(g) an Inland Revenue Officer;
(h) a Superintendent Inland Revenue;
(i) an Inland Revenue Auditor Officer 5[];
[(ia) an inspector Inland Revenue; and]
(j) an officer of Inland Revenue with any other designation.

اہے بطور:

- (2) The Chief Commissioner Inland Revenue and Commissioner Inland Revenue (Appeals) shall be sub-ordinate to the Board and Commissioner Inland Revenue shall be sub-ordinate to the Chief Commissioner Inland Revenue.
- 2[(2A) The Chief Commissioners Inland Revenue shall perform their functions in respect of such persons or classes of persons or such areas as the Board may direct.
- 5(2B) The Commissioners Inland Revenue shall perform their functions in respect of such persons or classes of persons or such areas as the Chief Commissioner, to whom they are sub-ordinate, may direct.]

- (3) Additional Commissioner Inland Revenue, Deputy Commissioners Inland Revenue 3[, District Taxation Officer Inland Revenue], Assistant Commissioner Inland Revenue 6[, Assistant Director Audit Inland Revenue], Superintendent Inland Revenue, Inland Revenue Audit Officer, Inland Revenue Officer 4[, Inspector Inland Revenue], and officer of Inland Revenue with any other designation shall be sub-ordinate to the Commissioner Inland Revenue and shall perform their functions in respect of such persons or classes of persons or such areas as the Commissioners, to whom they are sub ordinate, may direct.
- (4) Deputy Commissioner Inland Revenue 5[, District Taxation Officer Inland Revenue], Assistant Commissioner Inland Revenue 1[, Assistant Director Audit Inland Revenue], Superintendent Inland Revenue, Inland Revenue Audit Officer, Inland revenue Officer, 6[Inspector Inland Revenue Officer] an officer of Inland Revenue with any other designation shall be sub-ordinate to the Additional Commissioner Inland Revenue.]

30A. Directorate General (Intelligence and Investigation), Inland Revenue.—(1) The Directorate General (Intelligence and Investigation) Inland Revenue shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board may, by notification in the official Gazette, 2[appoint].

- (2) The Board may, by notification in the official Gazette,-
- (a) specify the functions and jurisdiction of the Directorate General and its officers; and
- (b) confer the powers of authorities specified in section 30 upon the Directorate General and its officers.]

3[30B. Directorate

General 4[...] Internal Audit.—The Directorate General 2[...] Internal Audit shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board, may by notification in the official Gazette, appoint.

30B_ۋائر يكثريث جزل انٹرنل آؤٹ

5[30C. Directorate General of Training and Research.--The Directorate General of Training and Research shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board, may by notification in the official Gazette, appoint.

30C_ڈائر کیٹریٹ جنرل ٹریننگ اورریسرچ

ڈائر کیٹریٹ جنرل ٹریننگ اور پسر ج ڈائر کیٹر جنرل اور اسنے ڈائر کیٹر وں ، ایڈیشنل ڈائر کیٹر وں، ڈپٹی ڈائر کیٹر وں اوراسسٹنٹ ڈائر کیٹر وں اورایسے ہی دوسرے افسران پر مشتمل ہو گاجتنے کہ بورڈ سر کاری گزٹ میں بذریعہ نوٹیفکیشن مقرر کرے۔

6[30D.

Directorate General of Valuation 7[...].—The Directorate General of Valuation 5[...] shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board, may by notification in the official Gazette, appoint.

30D ـ ڈائر یکٹریٹ جزل تشخیص مالیت

ڈائر کیٹریٹ جزل تشخیص مالیت ڈائر کیٹر جزل اورانے ڈائر کیٹروں، ایڈیشنل ڈائر کیٹروں ڈپٹی ڈائر کیٹروں اوراسسٹنٹ ڈائر کیٹروں اوراسٹنٹ ڈائر کیٹروں اورالیسے ہی دوسرے افسران پر مشتمل ہو گاجتنے کہ بورڈسر کاری گزٹ میں بذریعہ نوٹیفکیشن مقرر کرے۔

1[30DD. Directorate of Post Clearance Audit.— The Directorate of Post clearance Audit shall consist of a Director and as many Additional Directors, Deputy Directors, Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.]

30DD_ ۋائر يكثريث آف بوسٹ كليئرنس آؤث

ڈائر کیٹریٹ آف پوسٹ کلیئرنس آڈٹ ایک ڈائر کیٹر اورانے ایڈیشنل ڈائر کیٹر ول، ڈپٹی ڈائر کیٹر وں اوراسٹنٹ ڈائر کیٹر اوں اورالیے افسران پر مشتل ہو گاجتنے کہ بورڈ سرکاری گزٹ میں ایک نوٹیفکیشن کے ذریعے مقرر کرے۔

2[30DDD. Directorate General

of Input Output Co-efficient Organization.-The Directorate General of Input Output Coefficient Organization (IOCO)-Inland Revenue shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors, Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.]

30DDD-ۋائز يكثريث جزل إن يپ آؤٹ يپ كو۔ايفيشنٺ آر گنائزيش

ڈائر کیٹریٹ جزل اِن پٹ آؤٹ پٹ کو۔ایفیشنٹ آر گنائزیشن(۱۵۵۵) ۔ اِن لینڈریونیو ڈائر کیٹر جزل اورانے ڈائر کیٹروں، ایڈیشن ڈائر کیٹروں، ڈپٹی ڈائر کیٹروں اوراسسٹنٹ ڈائر کیٹراوں اورایے افسران پر مشتمل ہو گاجینے کہ بورڈ سرکاری گزٹ میں ایک نوٹیفکیشن کے ذریعے مقرر کرے۔

3[30E. Powers and Functions

of Directorate, etc.—The Board may, by notification in the official Gazette, specify the functions, jurisdiction and powers of the Directorates General as specified in the preceding sections and their officers by notification in the official Gazette.]

30E_ڈائر کیٹریٹ کے اختیارات اور فرائض کاروغیرہ

مندر جہ بالا دفعات میں بیان کیے گئے ڈائر کیٹر اوران کے افسر ان کے فرائض کار ، دائر ہ اختیار اوراختیارات کا تعین بورڈ سر کاری گزٹ میں بذریعہ نوٹیفکیش کرے گا۔

31. Powers.- An

officer of 4[Inland Revenue] appointed under section 30 shall exercise such powers and discharge such duties as are conferred or imposed on him under this Act; and he shall also be competent to exercise all powers and discharge all duties conferred or imposed upon any officer subordinate to him:

Provided that, notwithstanding anything contained in this Act or the rules, the Board may, by general or special order, impose such limitations or conditions on the exercise of such powers and discharge of such duties as it deems fit.

31۔ اختیارات

- 5[**32. Delegation of powers.** 6[(1) The Board or the Chief Commissioner, with the approval of the Board, may, by an order and subject to such limitations or conditions as may be specified therein, empower by name or designation –
- [(a) any Additional Commissioner Inland Revenue or Deputy Commissioner Inland Revenue to exercise any of the powers of a Commissioner Inland Revenue under this Act; and
- (b) any Deputy Commissioner Inland Revenue or Assistant Commissioner Inland Revenue to exercise any of the powers of an Additional Commissioner Inland Revenue under this Act;
- (c) any Assistant Commissioner Inland Revenue to exercise any of the powers of a Deputy Commissioner Inland Revenue under this Act; and
- (d) any other officer of Inland Revenue to exercise any of the powers of an Assistant Commissioner Inland Revenue under this Act.]

 1[(2) ***]
- (3) The officer to whom any powers are delegated under this section shall not further delegate such powers.]

32۔ اختیارات کی تفویض

- (1) بورڈیا چیف کمشنر بورڈ کی اجازت ہے ،ایک آرڈر کے ذریعے ایسی پابندیوں اور شر ائط کے تحت جن کی تشریح کی گئی ہو، مندرجہ ذیل کو بلحاظ عہد ہایا بلحاظ نام ،افتیارات سونب سکتا ہے۔
 - (a) کسی ایڈیشنل کمشنر اِن لینڈر یونیویاڈیٹی کمشنر اِن لینڈر یونیو کو کمشنر اِن لینڈر یونیو کااس ایک کے تحت کوئی بھی اختیار ؛اور
 - (b) ڈپٹی کمشنر اِن لینڈریونیو یااسسٹنٹ کمشنر اِن لینڈریونیو کوایڈیشنل کمشنر اِن لینڈریونیو کااس ایکٹ کے تحت کوئی بھی اختیار؛
 - (c) کسی اسسٹنٹ کمشنر اِن لینڈریونیو کوکسی ڈپٹی کمشنر اِن لینڈریونیو کااس ایکٹ کے تحت کوئی جھی اختیار ؛
 - (d) کسی دوسرے ان لینڈریونوافسر کواسسٹنٹ کمشنر ان لینڈریونو کااس ایکٹ کے تحت کو ی بھی اختیار۔
 - (2) حذف شده
 - (3) جس افسر کواس د فعہ کے تحت اختیارات تفویض کیے جائیں، وہ ان اختیارات کو مزید آگے تفویض نہیں کر سکتا۔

[32A. 3[Audit by Special Audit Panels]. 4[(1) The Board may appoint as many special audit panels as may be necessary, comprising two or more members from the following, —

- (a) an officer or officers of Inland Revenue;
- (b) a firm of chartered accountants as defined under the Chartered Accountants Ordinance, 1961 (X of 1961);
- (c) a firm of cost and management accountants as defined under the Cost and Management Accountants Act, 1966 (XIV of 1966); or
- (d) any other person as directed by the Board,

to conduct audit of a registered person or persons, including audit of refund claims and forensic audit and the scope of such audit shall be determined by the Board or the Commissioner Inland Revenue on a case-to-case basis. In addition, the Board may, where it considers appropriate, also get such audit conducted jointly with similar audits being conducted by provincial administrations of sales tax on services.]

- a ان لینڈریونیو کاایک افسریاافسران
- b) چارٹرڈاکاؤنٹنٹس آرڈینٹس 1961 (xبابت 1961) کے تحت بیان کر دہ چارٹرڈاکاؤنٹس کی ایک فرم
- c کاسٹ اینڈ منیجبٹ اکاؤنٹنٹس ایکٹ 1966 (XIV بابت 1966) کے تحت بیان کر دہ کاسٹ اینڈ اکاؤنٹنٹس کی ایک فرم
 - d) بورڈ کی ہدایات کے مطابق کو ئی بھی دوسر اشخض

ا یک رجسڑ ڈھنص یاا فرادسمیت ریفنڈ کے کلیم کا آڈٹ اور فرانسک آڈٹ نیز ایسے آڈٹ کے دائرہ کار کا یقین بورڈ یا کمشز ان لینڈر یونیو پر ایک کیس کی بنیاد پر کریں گے، علاوہ ازیں بورڈ جہال مناسب خیال رے، ایسے آڈٹ کو مشتر کہ طور پر انجام دے جیسے سیلز ٹیکس کی صوبائی انتظامیہ اس قتم کے آڈ ٹ کرتی ہے۔

- (2) Notwithstanding that records of a registered person have been audited by an officer appointed under section 30, the Board or a 1[Commissioner] may direct 2[special audit panel] appointed under sub-section (1) to audit the records of any registered person.
- (3) 3[Every member of special audit panel] appointed under sub-section (1), shall have the powers of an officer of 4[Inland Revenue] under sections 25, 37 and 38.
- 5[(4) Each special audit panel shall be headed by a chairman who shall be an officer of Inland Revenue.
- (5) If any one member of the special audit panel, other than the chairman, is absent from conducting an audit, the proceedings of the audit may continue and the audit conducted by the special audit panel shall not be invalid or be called in question merely on the ground of such absence.
- (6) The Board may prescribe rules in respect of constitution, procedure and working of special audit panel.]

6[32AA. ***]

- (3) ذیلی دفعہ (1) کے تحت مقرر کر دہ آڈیٹر کو دفعات 25،37اور 38 کے تحت ان لینڈریونیوافسر کے اختیارات حاصل ہوں گے۔
 - (4) ہرایک خصوصی آڈٹ پینل کی سربراہی ایک چیئر مین کرے گاجوان لینڈریونیو کاافسر ہو گا۔
- (5) اگر چیئر مین کے علاوہ خصوصی آڈٹ کے پینل کا کوئی رکن آڈٹ کی انجام دبی کے دوران غیر حاضر ہو تاہے تو آڈٹ کی کارروائی جاری رہے گی اور خصوصی آڈٹ پینل کی طرف سے کیاجانے والا بیہ آڈٹ غیر موثر نہیں ہو گا یاالیی غیر حاضر ی کی بنیاد پر سوال نہیں اٹھایاجائے گا۔
 - (6) بورڈ خصوصی آڈٹ پینل کے قانون، طریقہ کاراور فرائض کی ادائیگی کے حوالے سے قواعد وضع کر سکتا ہے۔