



OFFICE OF THE
ASSISTANT COMMISSIONER
SINDH REVENUE BOARD
GOVERNMENT OF SINDH

SRB/COM-SUK/CE-22/OETS/2021/1210

Dated: 26th May, 2021

M/s Orbit Engineering & Technical Services
Qutab, Town, Daharki
SNTN: S3676999-1
Ph: 0300-3193470/0723-641253

SUBJECT: **SUSPENSION ORDER -- M/S. ORBIT ENGINEERING & TECHNICAL SERVICES
HOLDING SNTN S3676999-1**

Whereas, section 25(1)(a)(ii) of the Sindh Sales Tax on Services Act, 2011 (hereinafter referred to as "the Act-2011") provides that registration of a registered person can be suspended where registered person "has failed to comply with its obligations under this Act". Rule 10 of the Sindh Sales Tax on Services Rules, 2011 (hereinafter referred to as "the Rules-2011") also provides that where a registered person commits any act of fraud or deliberate and intentional non-payment, short payment or evasion of tax or non-filing of returns for four consecutive tax periods, the Board or an officer of SRB authorized by the Board in this behalf may, without prejudice to any other action under the law for the time being in force, suspend the registration of such person.

2. In terms of section 9 and 17 of the said Act-2011 read with Rule 14 of the said Rules-2011, every registered person is required to deposit the monthly Sindh sales tax in the time and manner prescribed therein and is further required, under section 30 of the Act-2011 read with 11, 12, 13 and 14 of the Rules-2011, to e-file the monthly SST returns within three days of due date of payment of tax.

3. During the scrutiny of Sindh sales tax returns & withholding statement of following registered persons, it has been observed that, during the tax periods from **November-2016 to March-2021**, registered person has provided or rendered taxable services whereby they have charged and collected Sindh sales tax but failed to short deposited tax amount of **Rs.1,254,191/-** into the Sindh Government treasury and continued to withheld with themselves. Summary is given as under:

NTN	Name	Purchased Value	VAT Amount	WHT Amount	Not Paid
1435809-3	Fauji Fertilizer Company Limited	19,452,384	2,524,116	533,724	1,990,392
3378860-0	Engro Fertilizers Ltd.	86,960	10,266	8,944	1,322
Total		19,539,344	2,534,382	542,668	1,991,714
Less: Paid					-737,523
Short Paid					1,254,191

4. Furthermore, record available with this office shows that registered person has failed to e-file its monthly sales tax returns and failed to deposit monthly Sindh sales tax for the tax periods from **June-2017 to March-2021**. Non-payment or short payment of SST against providing of taxable services and non-filing or non-filing of true and corrects returns are contravention of provisions of section 8, 9, 17 and 30 of the said Act-2011 read with rules prescribed therein. The said contraventions are liable to penalties prescribed under Serial No.02 and 03 of the Table under section 43 of the Act-2011 and levy of default surcharge under section 44 of the Act-2011. Notice dated 05.05.2021 was duly served and received by Mr. Fazal, however, registered person failed to deposit the SST dues. Moreover, there was clerical error in this office letter dated 05.05.2021 wherein the incorrect payable amount of SST was mentioned as Rs.1,201,307/- against the actual tax amount of Rs.1,254,191/- and same stands corrected in terms of section 76(1) of the Act-2011. Non-Payment of Sindh sales is violation of section 8, 9, 17 of the Act-2011 and the Rules made thereunder. The said contraventions of the provisions of the Act-2011 and the rules made thereunder are liable to penalties under Serial No.02 and 03 of the Table under section 43 of the Act-2011 along with levy of default surcharge under section 44 of the Act-

Address: Bungalow No.42, Block-B Near NAB Office, Sindhi Muslim Housing Society, Nisar Ahmed Siddiqui Road, Sukkur Tel: 071-9310995 Email: vickey.dhingra@srb.gos.pk Website: www.srb.gos.pk

2011. This shows willful default on your part and same is serious violation of aforesaid provisions of the Act-2011 and the rules made thereunder which is equal to taking the law into the hands.

5. Now, this notice is being issued to you under section 25 of the Sindh Sales Tax on Services Act, 2011 read with Circular No.02 of 2013 and Rule 10 of the Sindh Sales Tax on Services Rules, 2011 to the effect that your registration is hereby suspended with immediate effect. However, your suspension shall be revoked if you take following actions by **09-06-2021**:

- to discharge all your Sindh sales tax dues **including above SST amount of Rs.1,254,191/-** along with default surcharge under section 44 of the Act-2011 and penalties under section 43 of the Act-2011 for aforementioned tax period and deposit the same in the Government of Sindh head of account B-02384.
- To e-file the monthly SST returns for the tax periods.

6. In case of non-satisfactory response or failure to take remedial measures as suggested above on or before **09-06-2021**, your case shall be further proceeded for cancellation of your registration with SRB. If you wish to be heard in person or through your duly authorized representative, you may appear for hearing on **02.06.2021 @ 10:00 AM** in the office of undersigned along with written defence, if any, in respect of above remedial actions.

7. This notice and suspension of registration are without prejudice to the penal action, prosecution action and recovery action as may be taken against you in accordance with the provisions of the Act-2011 and the Rules-2011.

(Vickey K. Dhingra)
Assistant Commissioner (Unit-33)

Copy to:-

1. Commissioner, Sukkur, SRB,
2. Chief Manager, PRAL, Sindh Revenue Board, 6th Floor Shaheen Complex, M.R Kiyani Road, Karachi, for suspending the registration of registered person,
3. Mr. Shahid-ul-Ghani, Head of IT, SRB, for placing it on SRB website.
4. M/s Engro Fertilizers Ltd, B-35, 7th & 8th Floor, The Harbour Front, HC-3, Block-4, Marine Drive, Clifton Road, Karachi
5. M/s Fauji Fertilizer Company Limited, Ib-35, Kda Scheme No.1, Karsaz, Karachi

INWARD	
No.#	119830
Date:	27/5/21
Received by:	U
Name: U Sindh Revenue Board	

