

BUSINESS TAXATION – STRATEGIC LEVEL-1

- Q. 1** Specify the situations where federal excise duty shall be payable in sales tax mode under section 7 of the Federal Excise Act, 2005. (04)

Suggested Solution/ Answer:

In case of goods specified in the Second Schedule or such services as may be specified by the Board through a notification in the official Gazette the duty shall be payable in sales tax mode, whereby:

- 1) A registered person manufacturing or producing such goods or providing or rendering such services shall be entitled to deduct input tax paid during the tax period from the amount of duty of excise due from him on such goods or services in respect of that tax period.
- 2) A registered person shall be entitled to deduct the amount of duty of excise paid or payable by him on such goods or services as are acquired by him during a tax period from the output tax due from him in respect of that tax period.
- 3) A registered person supplying such goods or providing or rendering such services shall be entitled to deduct duty of excise paid or payable on such goods or services as are acquired by him during the tax period from the amount of duty of excise due from him on such goods manufactured or produced or services as are provided or rendered by him during that period.
- 4) A person shall be entitled to deduct duty of excise paid or payable, on such goods or services as are acquired by him during a month, from the amount of duty of excise due from him on such goods manufactured or produced or services as are provided or rendered by him, during that month. Such services as are provided or rendered by him, during that month.

- Q. 2** On July 31, 2024, Nabeel Limited (NL) received a notice from Officer of Inland Revenue asking it to deposit a withholding tax of Rs. 7,500,000 in respect of a loan of Rs.50 million which NL provided to one of its shareholders on December 31, 2023, the company's accumulated profits at the time of provision of loan amounted to Rs. 40 million. Discuss the tax implications of the above scenario. (03)

Suggested Solution/ Answer:

When a private company provides a loan to any of its shareholders, the loan is treated as a dividend to the extent of the company's accumulated profits. Since NL had accumulated profits of Rs. 40 million at that time, the whole amount of the loan of Rs. 50 million shall not be considered as dividend. Therefore, NL was required to withhold tax of Rs. 6 million i.e. 15% of Rs. 40 million instead of Rs. 7,500,000 from the payment.

- Q. 3** Define the terms 'Security' and 'Derivative product' as provided in the Income Tax Ordinance, 2001 and rules made thereunder. (03)

Suggested Solution/ Answer:

Security: means a share of a public company, voucher of Pakistan, Telecommunication Corporation, Modarba certificate, an instrument of Redeemable capital debt securities and derivative products. Shares of a public company shall be considered as security if such company is a public company at the time of disposal of such shares.

Derivative products are financial products that derive their value from the underlying security or other asset. They may be traded on a Pakistani stock exchange and include deliverable futures contracts, cash-settled futures contracts, contracts of rights and options 4[and future commodity contracts traded at PMEX.

- Q. 4** Any person engaged in the production of goods or providing services liable to duty of excise shall be required to obtain registration under the Federal Excise Act, 2005. Explain who shall not be required to obtain registration in the light of section 13 of the Federal Excise Act, 2005. (04)

Suggested Solution/ Answer:

Where a person who is already registered under the Sales Tax Act, 1990, shall not be required to take separate registration for excise purposes and his sales tax registration shall be deemed to be a registration for the Federal Excise Act, 2005.

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EU Freedoms, Non-EU Countries and Company Taxation D.S. Smit, 2012-06-01 In today's environment of largely globalizing national economies international economic integration does not stop at the frontiers of the European Union Many non EU based enterprises are carrying on business in the European Union through the operation of branches or subsidiaries established in EU Member States and a large number of EU based enterprises maintain a diversified range of investments outside the Union Accordingly in both inward and outward investment relationships economic openness is key nowadays This legal relationship between EU Member States and the EU as a whole vis vis the rest of the world is the starting point of this book The author analyses the freedom of investment concept between EU Member States and non EU States under EU law and specifically its effect on company taxation regimes from the perspective of multinational enterprises Focusing on the impact of the Treaty freedoms and international integration agreements on relations with non EU Member States this work is the first to specifically address the all important issue Under which circumstances can investment related rights deriving from EU law be invoked by companies established in non EU states The analysis identifies the impact of the EU Treaty freedoms on six basic corporate income tax themes that are of particular interest for multinational enterprises limitation on the deduction of interest expenses withholding taxes on dividend interest and royalty payments relief for double taxation of income received from foreign investments CFC legislation non deduction of foreign losses from the domestic taxable base and company taxation upon the transnational transfer of business assets

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