



## A NOTICE OF LIABILITY AND THE ABILITY TO CHALLENGE IT.

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The law provides that an appeal may arise as a result of a number of issues such as;

- Grievance as a result of calculations of refund, drawback or repayment of any tax, duty, levy or charge by the Commissioner General;
- Refusal of the Commissioner General to make any refund or repayment;
- **A person objecting a notice issued by the Commissioner General regarding an existing liability to pay any tax, duty, levy or charge.**
- The decision by the Commissioner-General to register, or refusal to register, any trader for the purpose of the Value Added Tax Act.

When dealing with matter of dissatisfaction on tax assessment and decision made as a result of it the proper law governing these actions is the Tanzania Revenue Appeals Act Cap 408 R.E 2006.

These actions can be taken by way of an appeal. Such an appeal is to be made to the Tax Revenue Appeal Board and later on if still aggrieved to the Tax Revenue Appeals Tribunal. Both being established and given power by this Act.

On such grievances a person may discretionally make an appeal to the Tax Revenue Appeal Board for the determination on the decision that was made by the Commissioner General as so provided for under section 14 of the Act.

Therefore it is significant to say that a letter signifying liability to pay is not a conclusive notice for action and therefore a person has the ability to challenge the notice is they are dissatisfied by the contents of such notice.

This can also be backed up with the decision made in the case of Commissioner General, TRA v. African Barrick Gold PLC where it was held that;

*“where a commissioner general serves a notice to a taxpayer informing him or her that he is required to settle a certain amount alleged unpaid immediately upon receipt of the notice.....*

*Since in this case the commissioner general’s decision or act was disputed by the taxpayer, it was proper for the taxpayer to exercise its right to appeal to the Board.”*



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