DIGEST OF CASES REPORTED

APPEALS
Appeal to the Board simultaneously seeking intervention from another organ – Whether proper
Tanzania Ports Authority v. Commissioner
General[2007] 2 TTLR 104
APPLICATIONS
Application for leave to appeal to the Court of Appeal - Application must
disclose points of law Fidahussein & Co. Ltd v. Commissioner
General
General[2007] 2 TTER 171
BEST JUDGMENT RULE
Applicability of the rule - Applicable only when a taxpayer fails to keep
records or file returns for purposes of income tax assessment
Commissioner General v. Rahisi Store
INCOME TAX
Assessment realized assets - Basis for assessing the value of the assets realized
M/s DTP Terrassement v. Commissioner
General
Repatriated income - Extent and basis of chargeability
M/s DTP Terrassement v. Commissioner
General[2007] 2 TTLR 82
Withholdee's income tax liability – Whether persons deriving withholding
payments are assessable to income tax
M/s DTP Terrassement v. Commissioner
General[2007] 2 TTLR 82
JURISDICTION
Jurisdiction of the Tribunal - Jurisdiction limited to appeals emanating from
the decisions of the Board

Commissioner General v. Rupesh Enterprises Ltd....[2007] 2 TTLR 139

PRACTICE AND PROCEDURE

Errors caused by law – Effect of such errors
M/s DTP Terrassement v. Commissioner
General[2007] 2 TTLR 82
Pleadings - Issues not raised in the pleadings cannot be determined by the Board East Usambara Tea Co. Ltd v. Commissioner
General[2007] 2 TTLR 30
VALUE ADDED TAX
Additional VAT assessment – Whether the Commissioner has powers to assess
additional VAT in respect of zero rated services
East Africa Commercial Shipping Company Ltd v. Commissioner
General[2007] 2 TTLR 1
Applicable rates - Rates applicable to contractors of mining companies with Development Agreement
M/s DTP Terrassement v. Commissioner
General
General[2007] 2 TILK 82
Apportionment of input tax - Taxable person has the right to choose any method of apportionment of input tax
Commissioner General v. Rahisi Store
Commissioner General V. Kanisi Store
Assessment - Whether proper to issue assessment before ministerial
consultations were concluded
Tanzania Ports Authority v. Commissioner General[2007] 2 TTLR 104
Basis of assessment - Opening stock figure in previous year is opening stock in the subsequent year
Commissioner General v. Rahisi Store
Extent of chargeability - Stock held by taxable person excludes VAT - VAT is
charged at the time of supply of such stock to buyers
Commissioner General v. Rahisi Store

Chargeability – Whether broking services and management of foreign going ships are VAT chargeable
East Africa Commercial Shipping Company Ltd v. CommissionerGeneral
Commissioner's powers to determine whether documents are satisfactory – Such powers are limited to imported goods East Usambara Tea Co. Ltd v. Commissioner General
Extent of chargeability – Whether stevedoring services are zero rated Tanzania Ports Authority v. Commissioner General
Failure to comply with mandatory provisions of VAT Regulation - Whether such failure did lead to failure to account for the demanded tax - VAT (Imported Services) Regulations, 2001 Commissioner General v. Mbeya Cement Company Ltd
Failure to record proper entries in the VAT account – Recording input tax and output tax in the same month - Whether proper – Whether creates a tax liability East Usambara Tea Co. Ltd v. Commissioner
General[2007] 2 TTLR 30 Interest for late payment of VAT refund - When does it start to accrue Commissioner General v. Rupesh Enterprises Ltd
Ownership of imported goods - Importer of the goods is the legal owner Kahama Mining Corporation (T) Ltd v. Commissioner General
Penalties and interests - Failure to pay tax in time attracts penalties while the late payment of tax leads to an accrual of interest Kahama Mining Corporation (T) Ltd v. Commissioner General

Powers to raise additional VAT - Whether the Commissioner has powers to
raise additional VAT
Commissioner General v. Mbeya Cement Company
Ltd[2007] 2 TTLR 174
Stevedoring services - Definition of stevedoring services
Tanzania Ports Authority v. Commissioner
General[2007] 2 TTLR 104
Recording on VAT returns - Procedure for recording VAT return
East Usambara Tea Co. Ltd v. Commissioner
General[2007] 2 TTLR 30
VAT reliefs - Circumstances under which the reliefs are applicable
Kahama Mining Corporation (T) Ltd v. Commissioner
General[2007] 2 TTLR 59
VAT reliefs - Who are relieved persons and organizations
Kahama Mining Corporation (T) Ltd v. Commissioner
General