



THE REPUBLIC OF UGANDA

IN THE TAX APPEALS TRIBUNAL AT KAMPALA

MISCELLANEOUS CAUSE NO. 84 OF 2025

CHASSER (U) LIMITED APPLICANT

VERSUS

UGANDA REVENUE AUTHORITY RESPONDENT

BEFORE: HON. WILLY NANGOSYAH, HON. ROSEMARY NAJJEMBA

RULING

I. Introduction

1. This application was brought under section 98 of the Civil Procedure Act and Order 52 of the Civil Procedure Rules seeking orders that:
 - (i) The time within which to apply to review the Respondent's objection decision is extended.
 - (ii) Costs of the application be provided for.

II. Background Facts

2. The grounds of this application are laid out in the affidavit in support of the application deponed by Mr. John Sekimpi, the Director of the Applicant, sworn on 17 October 2025, stating as follows:

- (i) On 13 March 2024, the Respondent issued the Applicant with an income tax assessment of Shs. 114, 577,130 for the period 2020-2021.
- (ii) On 7 June 2024, the Applicant objected to the assessments, and on 14 June 2024 and 3 July 2024, the Applicant requested documents, which included bank statements, sales, and purchase ledgers.
- (iii) On 19 August 2024, the Respondent issued objection decisions partially allowing the objections to the extent of revenue and expenses verified. On 6 September 2024, the Applicant applied to have the matter reviewed using Alternative Dispute Resolution, and on 3 April 2025, the Respondent rejected the Applicant's application.
- (iv) The delay in applying to the Tribunal was a mistake of the tax consultant, and the unavailability of the Director of the Applicant due to illness.
- (v) This application has been made without inordinate delay as the same has been filed within six months from the time the objection decision notices were issued.
- (vi) Therefore, it is just and equitable and in the interest of justice that the application be granted.

3. The Respondent replied by way of an affidavit in reply deponed by Mr. Samuel Oseku, an Officer in the Legal Services and Board Affairs Department of the Respondent, and sworn on 27 October 2025, stating:

- (i) On 13 March 2024, the Respondent issued the Applicant with an administrative additional income tax assessment of Shs. 114,577,130 for the period ended 30 June 2022.
- (ii) On 7 June 2024, the Applicant objected to the assessments. On 19 August 2024, the Respondent issued its decision partially allowing the

Applicant's objections to the extent of the verified revenue and expenses.

- (iii) An application to the Tax Appeals Tribunal for review of a tax decision must be lodged within 30 days from the date of receipt of the objection decision.
- (iv) The Applicant should have lodged an application to the Tribunal by 19 September 2024. However, the Applicant filed this Application for an extension of time a year from the date the Respondent issued its objection decision.
- (v) The Applicant has not demonstrated sufficient cause for its failure to apply for review within the stipulated time to warrant the grant of this Application.
- (vi) The Applicant has not adduced any evidence to support the allegation of the Director's illness. It was incumbent upon the Applicant's Director to follow up with the Applicant's Accountant to ensure that the necessary action is taken in time.
- (vii) This application is improperly before this Tribunal as the Applicant has not paid the requisite 30% of the tax in dispute and it is in the interest of justice that the orders prayed for in this Application are not granted.

III. Issues

- 4. The parties have asked us to determine whether this application for extension of time should be granted.

IV. Representation.

- 5. Mr. Kato Wilson represented the Applicant, while Ms. Landera Nicolette represented the Respondent.

V. Submissions of the Applicant

- 6. The Applicant submitted that according to Section 16(1)(c) and Section 16(7) of the Tax Appeals Tribunal Act, an application for review of a tax decision should ordinarily be filed within 30 days from the date of the objection decision, and in any case within six months from the date of the tax decision. The same section vests in this Honorable Tribunal

discretionary power to grant leave to apply out of time where good cause is shown. Further, **Rule 11(1) of the Tax Appeals Tribunal Rules** provides that;

“where an application is not filed within 45 days from the date of service of the objection decision, the Tribunal may grant the same if satisfied that the taxpayer was unable to file the application due to absence from Uganda, illness or any other reasonable cause”

7. The Applicant also relied on **Section 23 of the Tax Appeals Tribunal Act**, which provides:

‘a proceeding before the Tribunal shall be conducted with as little formality and technicality as possible, and the Tribunal shall not be bound by the rules of evidence but may inform itself of any matter in such manner as it thinks appropriate’.

8. The Supreme Court in the case of **George Mulindwa vs Kisubika Joseph Civil Appeal No.12 of 2024** held:

‘The Applicant seeking extension of time has the burden of proving to the court’s satisfaction that, for sufficient reasons, it was not possible to lodge the appeal within the prescribed time’.

9. In the case of **Safari Clothing (Uganda) Limited versus Uganda Revenue Authority Miscellaneous Application No.1 of 2020**, the Tribunal held:

‘To qualify for an extension of time, there is a need for the Applicant to show that it has reasonable cause as to why the Application was not filed in time.

10. The Applicant submitted that the term reasonable cause was defined in the case of **Tight Security Limited vs Chartis Uganda Insurance Co. Limited Misc Application 8 of 2014**, which stated:

“Good cause relates to and includes the factors which caused inability to file within the prescribed period of 30 days. The phrase good cause is however wider and includes other causes other than causes of delay such as the public importance of an appeal and the court should not restrict the meaning of good

cause. It should depend on the facts and circumstances of each case and prior precedents of appellate courts on extension of time."

11. In ***Mulindwa George William versus Kisubika Joseph Civil Appeal No.12 of 2014***, the Supreme Court of Uganda set out the following factors that should be considered in an application for extension of time:

- (i) The length of delay*
- (ii) The reason of delay*
- (iii) The possibility or chances of success*
- (iv) The degree of prejudice of the other party*

12. Additionally, the Applicant argued that illness is a reasonable cause. Further, the Applicant's case has a high likelihood of success in the intended application, and no prejudice will be occasioned to the Respondent if the time for filing is extended. In contrast, the Applicant would suffer a grave injustice if the application is denied.

13. In ***Mount Meru Millers Uganda Ltd vs URA Misc Cause No.44 of 2024, while citing Farid Meghani v URA HCCS No.0006 of 2021***, the Tribunal stated that;

'...the principle of exercise of judicial discretion which made a determination as to whether URA's decision was justified and whether the courts should exercise judicial discretion to grant relief to the applicant.

14. The Applicant submitted that its director suffers from Diabetes and Hypertension, which made him unable to attend to company duties. The Applicant's director presented receipts dated 5 August 2024, 13 December 2024, and 11 August 2025, all from Welfare Medical Centre, indicating that he was unwell and undergoing treatment. This rendered the Applicant's director incapable of attending to company matters, including instructing the filing of the application for review of the objection decision. The director was unable to delegate his authority to others because he could not work alone without a resolution being passed in that regard. Therefore, the director has demonstrated sufficient cause to grant this application for extension.

15. The Applicant further argued that the Tax Consultant made a mistake when he failed to file an application seeking review of the objection decision or even advise the Applicant to apply. Therefore, the mistakes of the tax consultant should not be visited on the Applicant, but the case should be heard on its merits. The Applicant relied on the case of ***Ojara Otto Julius vs Okwera Benson HC Misc Application No.23 of 2017***, where the court stated:

“that the administration of justice should normally require that the substance of all disputes should be investigated and decided on their merits and that errors or lapses should not necessarily debar a litigant from the pursuit of his rights.”

VI. Submissions of the Respondent

16. In reply, the Respondent submitted that the application does not demonstrate sufficient grounds for the grant of an extension of time, as the said application was brought with undue delay and should be dismissed with costs. The Respondent submitted that an application for extension of time within which to apply for review of a taxation decision cannot be granted where there is no sufficient ground to justify such extension. This is especially true when the length of the delay is excessive, in this case, one year and two months, without any reasonable explanation for the failure to take action within the prescribed time.
17. The Respondent relied on **Section 16 (1) (c) of the Tax Appeals Tribunal Act Cap. 341** provides that;

“An application to the Tribunal for review shall be lodged with the Tribunal within 30 days after the person making the application has been served with notice of the decision.”

Section 16 (7) of the Tax Appeals Tribunal Act Cap 341 further provides that;

“An application for review of a taxation decision shall be made within six months after the date of the taxation decision.”

18. The Respondent further argued that courts and the Tribunal have consistently held that statutory timelines must be strictly complied with. The Respondent cited ***Uganda Revenue Authority Vs Consolidated Properties Ltd Court of Appeal. Civil Appeal No. 31 of 2000***, where the Court of Appeal held:
- "Timelines set by statutes are matters of substantive law and not mere technicalities and must be strictly complied with'.*
19. The Respondent submitted that, whereas it is trite law that mistake or misunderstanding of counsel ought not be visited upon his or her client, as was cited ***Administrator General v Isaac Kasiba Lule CACA No. 124 of 2011***, equity requires that a person who has been wronged must act swiftly to preserve his rights.
20. In the case of ***Mantab Engineering Services Ltd V URA M.A No. 081 of 2024***, the Tribunal held that;
- "The Applicant was not vigilant as he should have followed up his own tax affairs even if he had legal representation or given instructions. The maxim equity aids the vigilant comes into play as the Applicant ought to have pursued his application."*
21. Further, in ***Equatorial Real Estate Limited V URA M.A No. 65 of 2024***, the Tribunal held:
- "Filing an application for review in the Tribunal does not require legal counsel as the process is quite simplified..... The Tribunal acknowledges the emotional and practical difficulties faced by the Applicant; however, the strict timelines set forth in the legislation and the necessity for timely adjudication compel the Tribunal to consider the integrity of the judicial process as a whole."*
22. The Respondent submitted that the Applicant has failed to establish any sufficient grounds to warrant an extension of time within which to file an application for review before the Tax Appeals Tribunal. The Applicant claimed that the delay in the filing of the application for review was due to the mistake of the tax consultant and the unavailability of the director, resulting from illness. However, at the hearing, no evidence of the

Applicant's illness was presented. In addition, to date, no evidence of instructions to the tax consultant has been provided. Besides, applying for review does not require legal counsel, as the process is simplified and the Applicant had access to the necessary information via the Respondent's ePortal.

23. It should be noted that the Applicant is guilty of dilatory conduct. The Applicant's lack of diligence is evident from the fact that the Respondent issued the assessment on 19 March 2024. The Applicant objected to the assessment on 7 June 2024, two months after it was issued, beyond the statutory period. The objection decision was issued on 19 August 2024. The Applicant filed this application only on 17 October 2025, resulting in a delay of one year and two months. The Applicant did not act promptly to preserve its rights and cannot rely on the tax consultant's mistake as a justification for the delay.

VII. **Submissions of the Applicant in rejoinder**

24. The Applicant reiterated its Initial submissions and prayed that this Tribunal find no merit in the Respondent's submissions and thus the Tribunal be pleased to grant the Application with all the remedies prayed for in the Application for extension of time to review the Respondent's objection decision. The Applicant quoted **Rule 11(6) Tax Appeals Tribunal (Procedure) Rules 2012** provides the Tribunal with discretion to grant an application for extension where the Applicant demonstrates that the delay was caused by illness, absence from the country or any other reasonable cause.
25. Whereas the extension of time is a discretionary remedy, such discretion must be exercised judiciously and in accordance with established legal principles, which include the length of delay, reason for the delay, the possibility or chances of success, and the degree of prejudice of the other party. The Applicant acknowledged the delay in applying but provided reasons for it, namely a mistake by the tax consultant and the director's illness, thereby challenging the Respondent's assertion of dilatory conduct.

26. Furthermore, the Applicant averred that it acted swiftly and vigilantly when it made an effort to have the matter resolved amicably through Alternative Dispute Resolution, but the Respondent rejected its application.

VIII. The Determination of the Tribunal

27. This application is seeking an extension of time to apply for review of the Commissioner's decision on the company's objection.

28. Section 16(2) of the Tax Appeals Tribunal Act, read together with Rule 11 of the Tax Appeals Tribunal (Procedure) Rules, allows the Tribunal to extend the time for the making of an application for a review of the taxation decision for the following reasons:

- (i) Absence from Uganda;
- (ii) Illness; or
- (iii) Any other reasonable cause.

29. It is a well-established principle that time limits for appeal are matters of substantive law and *not mere technicalities and must be strictly complied with (Uganda Revenue Authority v Consolidated Properties Ltd (Civ. App. 31/2000)).*

30. However, the decision to grant or deny an extension of time is discretionary. The primary consideration should be ensuring substantive justice without undue regard for lapses or mistakes. The courts also require any applicant to act promptly once an impediment is removed. In *Hadondi Daniel v Egondi (CACA No. 67/2003)*, the Court of Appeal held:

"It is a trite law that time can only be extended if sufficient cause is shown. The sufficient cause must relate to the inability or failure to take the necessary steps within the prescribed time. It does not relate to making a wrong decision. If the Applicant is found to be guilty of dilatory conduct, the time will not be extended.

31. The Applicant has submitted that their Director's illness prevented them from filing this application within the prescribed timelines. The Applicant furnished receipts dated 5 August 2024, 13 December 2024, and 11 August 2025, all from Welfare Medical Centre, showing that the Director was ill for

an extended period and seeking medical attention. Therefore, in accordance with section 16(2) of the Tax Appeals Tribunal Act and Rule 11 of the Tax Appeals Tribunal (Procedure) Rules, we would allow this application, as the Applicant has shown sufficient cause.

32. It should also be noted that the Applicant submitted an ADR application to the Respondent on 6 September 2024. The Respondent rejected the application 7 months later, on 3 April 2025.
33. In *Egis Road Operation Ltd v Uganda Revenue Authority, TAT Misc. Cause 85 of 2025*, the Tribunal held that an ADR decision is a taxation decision. Therefore, for purposes of this application, the ADR decision date of 3 April 2025 is the taxation decision and not 19 August 2024, the date of the objection decision. Therefore, going by the ADR decision date, the delay on the Applicant's part was 6 months.
34. We have already established that illness is a sufficient cause of delay, and indeed, as at August 2025, the Applicant's director was undergoing medical treatment. This sufficiently explains the Applicant's delay in applying for review of the Respondent's taxation decision.
35. In the circumstances, we are satisfied that the Applicant has demonstrated sufficient cause. Therefore, this application is allowed, and each party will bear its own costs.

Dated at Kampala this 18th day of December 2025.



HON. WILLY NANGOSYAH
MEMBER



HON. ROSEMARY NAJJEMBA
MEMBER

Note: Due to the unavailability of one of the members, the parties allowed the remaining two members to complete the proceedings concerning this application in accordance with section 13 (3) (a) of the Tax Appeals Tribunal Act.