

**THE REPUBLIC OF UGANDA**  
**IN THE TAX APPEALS TRIBUNAL AT KAMPALA**  
**APPLICATION NO. 29 OF 2024**

MADA HOLDINGS (U) LTD .....APPLICANT

VERSUS

UGANDA REVENUE AUTHORITY.....RESPONDENT

BEFORE: MS. PROSCOVIA. R. NAMBI, MS. GRACE SAFI, MS. KABAKUMBA  
MASIKO

**RULING**

This ruling is in respect of preliminary objection that the Application is time-barred

**1. Background**

On 18th November 2022, the Respondent issued an Administrative Additional Assessment in respect of VAT for the period 01/10/2015 to 31/10/2015 amounting to Shs. 27,971,885. The Applicant objected to this assessment on 6th December 2022. On 25th February 2023, the Respondent issued its objection decision disallowing the Applicant's objection. On 22nd February 2024, the Applicant lodged this application for review before the Tax Appeals Tribunal, claiming to have received the Respondent's objection decision on 10th January 2024, although the same is dated 20th September 2023. The Respondent contends that this Application has been lodged outside the statutory period and is therefore time barred.

**3. Representation**

The Applicant was represented by Mr. Leku James and Ms. Immaculate Kamaliza, and the Respondent by Mr. Sam Kwerit.

**4. Issue for Determination**

The issues for determination by the Tribunal are as follows:

- (i) Whether this application is time-barred?
- (ii) What remedies are available?

## **5. Respondent's submissions on the preliminary objection**

Counsel for the Respondent submitted that under Section 16(1)(c) of the Tax Appeals Tribunal Act (TAT Act) an application for review of a taxation decision must be lodged with the Tribunal within 30 days after being served with the notice of the Respondent's objection decision.

The Respondent referred the Tribunal to the decision in **Uganda Revenue Authority v. Uganda Consolidated Properties Ltd, Court of Appeal Civil Appeal No. 75**, where it was held that timelines set by statutes are matters of substantive law and must be strictly complied with. Consequently, the application should be dismissed as being time-barred.

The Respondent submitted that objection decision in this case was issued on 25th February 2023, and the Applicant had until 27th March 2023 to file an application. The current application, lodged on 22nd February 2024, was, therefore, time-barred.

Further, the Respondent submitted that the Applicant has not paid the mandatory 30% of the tax in dispute as required under Section 15 of the TAT Act and called upon the Tribunal to dismiss this Application for failure to comply with this statutory requirement.

## **6. Applicant's submissions in reply to the preliminary objection**

The Applicant submitted that the application was not time-barred and cited section 14 of the TAT Act that allows any aggrieved person to apply for a review of a taxation decision. The Applicant also cited Section 16(1)(c) which requires such an application to be lodged within 30 days of receiving the notice of the decision.

The Applicant argued that it received the Respondent's objection decision on 22nd February 2024, even though the same is dated 22 September 2023. The application for review was filed in this Tribunal on the same date, 22nd February 2024, and is therefore

within the prescribed time. The Applicant distinguished this case from **Uganda Revenue Authority v. Uganda Consolidated Properties Ltd** (supra), noting that in the instant matter, the application was filed within time upon receipt of the Respondent's decision.

Regarding the 30% payment, Counsel submitted that the Applicant paid the amount in dispute and is awaiting confirmation from the Respondent. The Applicant therefore prayed for the preliminary objection to be dismissed with costs and for the main application to be heard to a logical conclusion.

## **7. Determination of the Tribunal**

After considering the written submissions from both parties, this is the decision of the Tribunal.

Both parties agree with the requirement to file an application within 30 days of receiving the notice of the objection decision as set out in Section 16 (1)(c). What is in dispute is the date of the objection decision.

The Tribunal examined Annexure D included in the Respondent's Reasons for the Tax Decision, which pertains to the Objection Decision Notice with reference number 30582562. It was observed that the date on the notice is 25 February 2023. According to this notice, the Applicant was required to submit its Application by 27th March 2023.

The Applicant argued that it received the Respondent's objection decision only on 22nd February 2024. To substantiate this claim, the Applicant pointed to Annexure G of its Application, which is a letter dated 20th September 2023 and was sent to the Applicant on 10th January 2024. This letter refers to the Applicant's request for a review of the objection decision in notice number 30582562, dated 25th February 2023. It is important to note that the Respondent explicitly stated that it did not modify its objection decision. Additionally, the letter is marked "Without Prejudice."

This Tribunal finds that the objection decision in this matter is set out in Objection Decision Notice number 30582562 dated 25 February 2023. The Applicant's claim that they received the objection decision on 22nd February 2024 is based on their interpretation of events, including a letter dated 20th September 2023 and sent on 10th January 2024. Even in that letter itself, the Respondent maintained that the objection decision dated 25 February 2023 has not been varied. Besides since that letter is marked "Without Prejudice" it is precluded from being presented as evidence in legal proceedings. A party cannot rely on a letter marked "without prejudice" to support an application in the Tribunal.


Therefore, the Tribunal finds that 25 February 2023 is the correct date from which the statutory timeline for the Applicant to file an application for review is calculated. Consequently, the Applicant ought to have filed its application to the Tribunal by 27<sup>th</sup> March 2023.

We concur with the Respondent's submission that statutory timelines must be adhered to strictly. Consequently, we determine that the Applicant's application for review, filed on February 22, 2024, is time-barred under Section 16(1)(c) of the TAT Act. The Tribunal is unable to entertain an application submitted more than six months after the objection decision.

In light of the foregoing considerations, the Tribunal rules as follows:

1. The preliminary objection raised by the Respondent is upheld.
2. The Applicant's application for review is dismissed as being time-barred.
3. The Applicant shall bear the costs of the Respondent.

Dated at Kampala this 09<sup>th</sup> day of May 2025.



**MS. PROSCOVIA. R. NAMBI**  
CHAIRPERSON



**MS. GRACE SAFI**  
MEMBER



**MS. KABAKUMBA MAISKO**  
MEMBER