

**THE REPUBLIC OF UGANDA**  
**IN THE TAX APPEALS TRIBUNAL AT KAMPALA**  
**TAT APPLICATION NO. 325 OF 2024**

SHUMUK INVESTMENTS LIMITED ..... APPLICANT

VERSUS

UGANDA REVENUE AUTHORITY..... RESPONDENT

BEFORE: MS. CRYSTAL KABAJWARA, MS. STELLA NYAPENDI CHOMBO,  
MS. PROSCOVIA REBECCA NAMBI

**RULING**

This ruling is in respect of two preliminary objections raised by the Respondent, that the Application was filed in the Tribunal and served on the Respondent out of time.

**1. Background Facts**

The Respondent issued the Applicant an Administrative Additional Rental Income assessment for the period 01 January 2016 to 31 December 2016. The Applicant objected to the assessment on the ground that it was being reviewed by the Respondent's rental tax unit and reconciliation was still ongoing.

On 12 April 2021, the Respondent requested that the Applicant provide documents to support its objection and the Applicant did not comply. On 19 May 2021, the Respondent issued their objection decision disallowing the objection. The Applicant filed TAT App No. 325 of 2024 before the Tribunal on 07 November 2024 and did not serve the Respondent until 12 February 2025.

**2. Issue for determination**

The pertinent issue for determination by the Tribunal is whether the Application was filed out of time.

**3. Representation**

Mr. Badru Bwango and Mr. Abdul Mulondo represented the Applicant, while Ms. Eseza Victoria Sendege represented the Respondent.

#### 4. The submissions of the Respondent on the preliminary objection

The Respondent submitted that the law on preliminary points of law is provided for under Order 6 Rule 28 of the Civil Procedure Rules. The Rule provides that any party shall be entitled to raise in his or her pleadings any point of law and any point so raised shall be disposed of by the Court. The Respondent raised two preliminary objections in paragraph 7 of its Statement of Reasons as set out below.

- (i) This Application has been filed out of time as the objection decision was issued on 19 May 2021, whereas this Application for review of the objection decision was filed on 7 November 2024.
- (ii) The Application should be dismissed as the Applicant served the Respondent outside the time prescribed by rule 12 (1) of the Tax Appeals Tribunal Procedural Rules.

The Respondent argued that it is trite law that a preliminary objection can be raised at any time in the proceedings of the case; however, courts have held that it ought to be raised at the earliest point. In the case of *Yaya v Obur and Others Civil Appeal 81 of 2018*, Justice Mubiru stated:

*"It is always in the interest of justice to handle such objections on dispositive points of law at the earliest to save time and costs and to avoid a trial in nullity."*

The Respondent submitted that the Applicant is time-barred from challenging the objection decision. The Respondent issued an objection disallowing the Applicant's objection on 19 May 2021. The Respondent submitted that the Applicant did not take any steps to challenge the said objection decision until 7 November 2024, when the Respondent moved to recover the outstanding tax by attaching the Applicant's property.

The Respondent submitted that Section 27 (1) of the Tax Procedures Code Act, provides that a person dissatisfied with an objection decision may, within 30 days after being served with a notice of objection, lodge an application with the Tax Appeals Tribunal for review of the objection decision.

The Respondent submitted that Section 16 (1) of the Tax Appeals Tribunal Act provides that an application for review shall be made within 30 days of the taxpayer being notified of the taxation decision.

Section 16 (2) of the same provides that the Tribunal may, upon application in writing, extend the time for the making of an application to the Tribunal for review of a taxation decision. The objection decision was issued on 19 May 2021; an application for review of the same before the Tribunal ought to have been made by 18 June 2021.

The Respondent contended that the Applicant did not file this application before the Tribunal until 7 November 2024; more than two and a half years later. There was no application made by the Applicant to this Honourable Tribunal for extension of time and it follows that there is no order of the Tribunal extending the time within which to file a review application challenging the impugned objection decisions.

The Respondent cited the case of ***Stop and See (U) V Tropical Africa Bank Ltd MA No. 333/2010***, where Justice Christopher Madrama stated:

*"Once the party is out of the time prescribed by the rules, he or she needs to seek the leave of the Court to file the defence or Affidavit in reply outside the prescribed time."*

The Respondent prayed that TAT Application 325 of 2024 be dismissed with costs to the Respondent for being time-barred.

The Respondent also submitted that the Application should be dismissed as the Applicant served the Respondent outside the time prescribed in the Tax Appeals Tribunal Procedural Rules, which require that an Applicant shall, within five days after applying with a tribunal, serve a copy of the application on the Commissioner General. The Applicant filed this application before the Tribunal on 7 November 2024 and did not serve the Respondent until 12 February 2025.

The Respondent submitted that in ***Muni University V Commissioner General, URA, TAT Application No. 161 of 2020***, the Tribunal dismissed the Application on 3 preliminary objections, including service of the Application outside the prescribed time. The Respondent prayed that the application be dismissed with costs to the Respondent.

## 5. The submissions of the Respondent on the preliminary objection

The Applicant did not file any submission in reply to the Respondent's preliminary objection.

## 6. The determination of the Tribunal

This ruling arises from two preliminary objections raised by the Respondent, that the Application was filed in the Tribunal and served on the Respondent out of time. The Respondent prayed that the Application be dismissed with costs.

On 19 May 2021, the Respondent issued a decision disallowing the Applicant's objection. The Applicant filed the present application on 7 November 2024, more than three years later and served the Respondent on 12 February 2025, 97 days after filing the application.

**Section 16 (1) (c) of the Tax Appeals Tribunals Act** requires that an application for review of a taxation decision be lodged with the Tribunal within 30 days of receipt of the objection decision. However, section 16 (2) of the TAT Act empowers the Tribunal to extend the time for making an application to the Tribunal.

In the case of ***Uganda Revenue Authority V Consolidated Properties Ltd (Court of Appeal Civil Appeal No. 31 of 2000)***, the Supreme Court ruled that:

*"Time limits set by statutes are matters of substantive law and not mere technicalities and must be strictly complied with".*

In the present case, the objection decision was issued by the Respondent on 19 May 2021. Therefore, the Applicant ought to have filled their application with the Tribunal by 18 June 2021. However, the Applicant filed TAT Application No. 325 of 2024 on 7 November 2024, more than three years after the decision.

The Applicant did not apply to the Tribunal for the filing time to be extended. In the absence of such an application, the Tribunal has no discretion to entertain an application filed outside the mandatory timelines. This application is therefore time-barred and as a result, is not properly before the Tribunal.

Having established that the application is not properly before the Tribunal, it is not necessary to determine the second preliminary objection regarding the breach of timelines for procedural service.

In the circumstances, this Tribunal orders as follows:

- (i) TAT Application No. 325 of 2024 is dismissed.
- (ii) Costs awarded to the Respondent.

Dated at Kampala this 21st day of October 2025.



**MS. CRYSTAL KABAJWARA**  
**CHAIRPERSON**



**MRS. STELLA NYAPENDI CHOMBO**  
**MEMBER**



**MS. PROSCOVIA REBECCA NAMBI**  
**MEMBER**