



22TACD2019

NAME REDACTED

Appellant

V

THE REVENUE COMMISSIONERS

Respondent

### DETERMINATION

#### Introduction

1. In or about 2008, the Appellant commenced trading in the purchasing and selling of equipment for use in the construction industry both at home and abroad.
2. By letter dated 21 November 2012, the Appellant was notified of a Revenue audit in respect of value added tax (VAT) for the tax periods 1 January 2010 to 31 October 2012, and which said audit commenced on 14th December 2012.
3. Notices of Assessment for VAT were made by the Respondent in respect of the tax years 2010, 2011 and 2012 as follows:

<u>Period</u>	<u>VAT Assessed</u>
31 Dec 2010	€211,173.00
31 Dec 2011	€255,578.00
31 Dec 2012	<u>€191,576.00</u>
<b>Total</b>	<b><u>€658,327.00</u></b>

4. Amended Notices of Assessment for Income Tax also issued by the Respondent in respect of the tax years 2010 and 2011 on the following basis:

<u>Period</u>	<u>Income Tax Assessed</u>
2010	€26,450
2011	<u>€34,444</u>
<b>Total</b>	<b><u>€ 60,894</u></b>

7. The Appellant appealed the assessments to VAT and income tax by letter dated 26<sup>th</sup> July 2013.



8. Following a case management conference, the matter was set down for hearing.

### **The Appeals**

9. The hearing was scheduled for 1 day and proceeded before me on the 11<sup>th</sup> April 2019. However, a 2<sup>nd</sup> day was required and that hearing was to resume on 10<sup>th</sup> May 2019. However, on the day of that hearing, I was informed that the parties were in negotiations, which had started the previous day and I agreed that those discussions should be allowed to continue.
10. Thereafter I was informed that the parties had come to an agreement on all matters arising in the appeals and that they were requesting that determinations be made, pursuant to Taxes Consolidation Act 1997, section 949AK in accordance with the figures agreed by the parties.

### **Determination**

19. Accordingly, I determined that:

- (i) the income tax assessment for the year ended 31st December 2010 be reduced from €26,450 to €25,000
- (ii) the income tax assessment for the year ended 31st December 2011 be increased from €34,400 to €75,000
- (iii) the VAT assessment for the year ended 31st December 2010 be reduced from €211,173 to €25,000
- (iv) the VAT assessment for the year ended 31st December 2011 be reduced from €255,578 to €75,000
- (v) the VAT assessment for the year ended 31st December 2012 be reduced from €191,576 to €50,000

20. As such, this appeal is therefore determined in accordance with Taxes Consolidation Act 1997, section 949AK.

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**Conor Kennedy**  
**Appeal Commissioner**  
**22<sup>nd</sup> May 2019**

**No request was made to state and sign a case for the opinion of the High Court in respect of this determination, pursuant to the provisions of Chapter 6 of Part 40A of the Taxes Consolidation Act 1997 as amended.**

