



DECISION

Complaint No.	:	POS/5136/2024/Adv-H
Name and address of the complainant	:	Mr. Muhammad Waqas Akbar, C/o. Shinwari Restaurant Chak No.59/GD1, Sarwar Chowk, Sahiwal, District Sahiwal.
Name of the Agency Complained against	:	Excise, Taxation & Narcotics Department, Government of Sindh.
Name & Designation of Investigating Officer	:	Rehana Ghulam Ali Memon, Advisor (H)
Vetted by	:	
Subject	:	<u>COMPLAINT REGARDING ALLEGED FRAUDULENT TRANSFER OF COMPLAINANT'S VEHICLE / OIL TANKER ON THE BASIS OF MANIPULATED DOCUMENTS / BRIBE WITHOUT HIS CONSENT.</u>

COMPLAINT

Mr. Muhammad Waqas Akbar filed an online complaint on 27.10.2024 stating that the Deputy Director, Excise and Taxation Hyderabad has fraudulently transferred his vehicle (oil tanker) in the name of another person without his consent by manipulation of document and after getting heavy amount as bribe. In this regard, he has complained to the relevant department but no action has been taken. He, therefore, sought intervention of the Ombudsman Institute to instruct the agency to resolve the issue and hold enquiry against the responsible officers of Excise, Taxation and Narcotics Control Department, Sindh.

PROCEEDINGS

2. The complaint was admitted on 05.11.2024 under Section 10 of the Establishment of Office of the Ombudsman Sindh for the Province of Sindh Act, 1991, (Amended up to date) by condoning delay as per section 10 (3) of the Act and subject to submission of original signed complaint addressed to Provincial Ombudsman Sindh, copies of relevant documents, CNIC and Affidavit on Form "A".

3. The complainant was asked vide this Secretariat letter dated 06.11.2024 to furnish original signed complaint as per para-2 above, which he submitted vide application dated 08.11.2024 and stated that he owns the Oil Tanker bearing No.Y-0111SR (JQ-2469), Engine No.AK1JRKA-11069 Chasis No.10513 but original registration book of the same vehicle was misplaced, thereafter Excise Authorities Hyderabad transferred the vehicle to some other person by manipulation in the documents and taking bribe. He neither sold the vehicle nor transferred it to anyone and requested for an inquiry to be held regarding the matter and justice be provided to him.

4. The matter was taken up with the Secretary to Government of Sindh, Excise, Taxation & Narcotics Control Department (ET&NC) as well as the Director (Excise & Taxation), ET&NC Hyderabad on 07.11.2024. The Deputy Director, Motor Registration Authority, ET&NC Hyderabad furnished report vide letter No.ESTT/3154/2024 dated 15.11.2024 stating therein that on receipt of the application from the complainant they issued notices to both the parties i.e. Mr. Waqas Akbar (original owner of vehicle) and Mr. Muhammad Rasheed (transferee of vehicle) to appear before him on 13.11.2024 and 15.11.2024 respectively. Mr. Waqas Akbar (complainant) appeared before Deputy Director, and stated that his vehicle

No.JQ-2496 is not in his custody as it is with PSO Company for calibration and its original file has been misplaced for which he has lodged a Police report at Civil Line Police Station, District Sahiwal on 17.10.2024. While Mr. Muhammad Rasheed (transferee of the vehicle) also appeared before the Deputy Director and stated that he had purchased the subject vehicle from Mr. Akber Ali (father of the complainant) on 27.07.2023. He also provided copy of Sale / Purchase Agreement (on E-Stamp). He further claimed that the vehicle was purchased with full consent of both Mr. Akber Ali and Mr. Muhammad Waqas Akbar (complainant) and full payment amounting to Rs.5,400,000/- had been made , registration was done and challan was paid on 25.09.2024. He alleged that there is a personal dispute between father and son which has led to the instant complaint.

5. To probe the case, a hearing was fixed on 03.12.2024 and notices were issued to the Deputy Director, MRA Hyderabad as well as to the complainant. The Deputy Director was also directed to bind Mr. Muhammad Rasheed (transferee of the vehicle) to attend the hearing alongwith relevant papers / Sale Purchase Agreement (on E-Stamp). In the hearing, the Deputy Director furnished report stating therein that Mr. Akber Ali (father of the complainant) had also submitted an application to them on 27.07.2023 stating that the subject vehicle was originally his property and since his son was looking after his business it was transferred to him (the complainant) for which he had not made any payment to him. Later on the same was sold to Mr. Matiur Rehman (Rehman Enterprises) with the consent of Mr. M. Waqas Akbar but the vehicle was not transferred to Rehman Enterprises. Subsequently Mr. Matiur Rehman sold the vehicle to Mr. Muhammad Rasheed who got the vehicle transferred in his name. The father further stated that his son has committed fraud with him therefore, he disowned him and expelled him from his business and also provided termination letter from Bank of Punjab because of his involvement in parallel banking fraud and embezzlement of Bank's funds.

6. The Deputy Director reported that Form T.O. of vehicle was submitted by the complainant on 16.08.2024 and the Agency after receiving that Transfer letter, prescribed fee and taxes alongwith original papers of the vehicle transferred the same in the name of Mr. Muhammad Rasheed. The complainant stated that he has not signed the Form T.O. on which the Deputy Director stated that they are forwarding the signatures / thumb impression for forensic analysis to verify authenticity of the signature. The complainant also informed that he had filed a case in Civil Court Sahiwal on the same issue, on which he was asked to furnish copy of the same. Mr. Muhammad Rasheed was also called but he did not appear but later on forwarded relevant documents and stated the same version as in para-4 above.

7. The Deputy Director, Motor Registration Authority, ET&NC, Hyderabad vide this Secretariat letter dated 04.12.2024 was asked to forward the signatures / thumb impression of the seller to the concerned. The Deputy Director vide his letter No.DD/HYD/Estt/-3429/2024 dated 11.12.2024 reported that the Department has written to Sindh Forensic Science Laboratory, Hyderabad for verification of signatures / thumb impression.

8. Meanwhile, the complainant furnished copy of case filed by him on 30.11.2024 before the Senior Civil Judge (Civil Division), Sahiwal against his father Mr. Akber Ali and others including the Motor Registration Authority, Hyderabad as well as the Provincial Ombudsman Institution Sindh for the same issue / matter, which shows that the matter is subjudice.

Findings

9. The following facts emerged as a logical outcome of the proceedings:

- I. That according to the agency's report received on 03.12.2024, matter seems to be a family dispute as Mr. Akber Ali (father of the complainant) in his application dated 27.07.2023 addressed to the agency has stated that the subject vehicle was originally his property and it was transferred in the name of his son Mr. Waqas Akber (complainant) and then it was sold to Mr. Matiur Rehman (contractor) who did not get the vehicle transferred in his name and subsequently sold it to Mr. Muhammad Rasheed on 27.07.2023.

- II. That the vehicle was sold on 27.07.2023 and the agency processed transfer of vehicle on 25.09.2024 while the complainant lodged report regarding misplacement of original file of the vehicle on 17.10.2024, for which complainant could not reveal the reasons of delay on his part.
- III. That the complainant furnished copy of case filed by him before the Senior Civil Judge (Civil Division), Sahiwal against his father Mr. Akber Ali and others including the MRA, ET&NC Department Sindh as well as well as the Provincial Ombudsman Institution Sindh for the same issue / matter which clearly shows that the case is subjudice and cannot be dealt by this Institution as per Section 9(a) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (Amendment) Act, 2020.

DECISION

10. In view of the above and in exercise of powers vested in me under Section 11 of Establishment of the Office of Ombudsman for the province of Sindh Act, 1991 (amended upto date), I hereby dispose of the case as dismissed being subjudice.

