



(From left) Wong, Lam, Bong and the taxpayer pose after the proceeding.

# Taxpayer gets leave to commence judicial proceedings against IRB

**KUCHING:** The High Court here yesterday granted a taxpayer leave to commence judicial review proceedings against the Inland Revenue Board (IRB) over a dispute involving the alleged double taxation of a property gain.

The matter arose when the taxpayer reported and paid Real Property Gains Tax (RPGT) on gains derived from the disposal of real property shares.

The RPGT assessment became final and conclusive after no appeal was lodged within the statutory time frame.

Subsequently, the IRB conducted an audit and determined that the same gain should have been classified as income and assessed under the Income Tax Act 1967.

The Board then vacated the earlier finalised RPGT assessment and issued an additional income tax assessment, together with a penalty.

The taxpayer is challenging the legality of the IRB's actions, contending that the unilateral cancellation of a finalised assessment, without prior notification, deprived him of his

statutory right of appeal and was procedurally improper.

Satisfied that the application disclosed arguable issues of law, the High Court granted leave for judicial review.

The substantive hearing is scheduled for April 8 this year, when the court will determine the legality of the director-general's decision-making process.

Representing the taxpayer is Bong Siak Peng of Bong Siak Peng Advocates, assisted by Datuk Wong Joo Hua of JPRO Tax Consultancy and tax consultant Lam Kam Wing.