



Registrar

# National Electric Power Regulatory Authority Islamic Republic of Pakistan

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No. NEPRA/R/DG(Trf)TRF-71/NPL-2007/2318-2320

April 26, 2023

Subject: **Decision of the Authority in the matter of Reimbursement of 7.5% withholding Tax on Dividends for Nishat Power Ltd. (Case No. NEPRA/TRF-71/NPL-2007)**

Dear Sir,

Please find enclosed herewith the subject decision of the Authority along with schedule (Annex-I) (total 02 pages) in the matter of reimbursement of 7.5% withholding Tax on Dividends for the period February 1, 2023 to January 31, 2024 for Nishat Power Ltd. in Case No. NEPRA/TRF-71/NPL-2007.

2. The Decision is being intimated to the Federal Government for the purpose of notification in the official Gazette pursuant to Section 31(7) of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 within 30 days from the intimation of this Decision. In the event the Federal Government fails to notify the subject tariff Decision or refer the matter to the Authority for reconsideration, within the time period specified in Section 31(7), then the Authority shall notify the same in the official Gazette pursuant to Section 31(7) of NEPRA Act.

3. The Schedule attached as Annex-I is to be notified in the official Gazette.

Enclosure: As above

  
(Engr. Mazhar Iqbal Ranjha)

Secretary  
Ministry of Energy (Power Division)  
'A' Block, Pak Secretariat,  
Islamabad

CC:

1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad
2. Secretary, Ministry of Finance, 'Q' Block, Pak Secretariat, Islamabad.



**DECISION OF THE AUTHORITY IN THE MATTER OF REIMBURSEMENT OF 7.5% WITHHOLDING TAX ON DIVIDENDS FOR NISHAT POWER LIMITED**

1. Pursuant to the decision of the Authority dated March 22, 2011 in the matter of motion for leave for review against the decision of the Authority dated October 15, 2010 at Commercial Operation Date in the case of Nishat Power Limited (NPL), withholding tax on dividend is a pass through item and the power purchaser shall make payment on account of withholding tax at the time of actual payment of dividend as hourly payment spread over a period of 12 months. In accordance with the decision referred above, the Authority approved following component for withholding tax on dividend for immediate application:

Period	7.5% Withholding tax on Dividend (Rs./kW/Hour)
February 1, 2023 to January 31, 2024	0.0285

2. The Authority has considered the request of NPL, for reimbursement of withholding tax on dividends @15% for some of their shareholders being not in the active taxpayer list. In the opinion of the Authority, the higher tax rate could be avoided by becoming part of active tax payer list and the failure is on the part of shareholders of NPL. Therefore, there is no justification to allow WHT on dividends @15% instead of normal rate. Accordingly, the same is being allowed @ 7.5%.
3. The schedule attached as Annex-I is to be notified in the official gazette in accordance with the provisions of Section 31(7) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997.
4. CPPA (G) to ensure that all payments are consistent with the tariff determination(s).

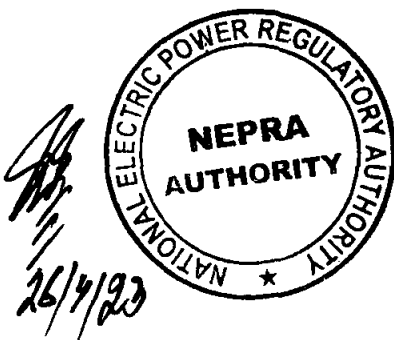
**AUTHORITY**

Mathar Niaz Rana (nsc)  
Member

Engr. Maqsood Anwar Khan  
Member

Engr. Rafique Ahmed Shaikh  
Member

Amina Ahmed  
Member



Tauseef H. Farooq  
Chairman

**NISHAT POWER LIMITED**  
**REIMBURSEMENT OF 7.5% WITHHODING TAX ON DIVIDENDS**

Tax Challan #	Payment Date	Dividend Amount agst. which Tax is Being Withheld (Rs.)	Withholding Tax Amount			Withholding Tax Amount Allowed		
			Tax Rate	(Rs)	Equivalent (USD)*	Tax Rate	(Rs)	Equivalent (USD)*
IT-20221124-0101-2082970	November 24, 2022	634,920,320	7.5%	47,619,224	212,301	7.5%	47,619,224	212,301
IT-20221124-0101-2083431	November 24, 2022	15,329,242	15%	2,299,448	10,252	7.5%	1,149,724	5,126
<b>Total</b>		<b>650,249,562</b>		<b>49,918,672</b>	<b>222,553</b>		<b>48,768,948</b>	<b>217,427</b>

\*NBP TT & OD Selling Rate of USD on November 24, 2022 was 224.30/-

**Calculation of Hourly Rate:**

Withholding tax on dividend	Rs.	48,768,948
Capacity	kW	195,305
Hours in a year (365 x 24)	No.	8,760
Tariff component of withholding tax on dividend (February 1, 2023 to January 31, 2024)	Rs./kW/Hour	0.0285

**Carry Forward of Unclaimed Dividend Tax:**

Balance brought forward from 12<sup>th</sup> Agreement Year  
 (No. NEPRA/R/ADG(Trf)/TRF-71/NPL-2007/23440-23442 dated December 12, 2022)

**Less:**

Claimable during 13<sup>th</sup> Agreement Year (Interim Dividend Sep 30, 2022)  
 Unclaimable due to exemption of withholding tax on dividends\*\*

**Balance Carried Forward**

\*\*Out of 354.088 million paid-up shares, 28.964 million shares for end-Sep 2022 of Individuals, Banking and Non Banking Financial Institutions are exempt from withholding tax on dividends. Accordingly the carry forward of unclaimed withholding tax on dividends has been reduced to the extent of dividends paid to them.



USD  
839,023

(217,427)  
 (19,369)  
**602,226**

*Handwritten signature*