

# Najib told to pay RM1.69bil

## Court: Former PM should have known taxes were due

*The Star - 23/7/2020*  
*P.B*

By NURBAITI HAMDAN  
nurbaiti@thestar.com.my

**KUALA LUMPUR:** Former prime minister Datuk Seri Najib Razak must fork out RM1.69bil in additional income taxes to the government following a High Court's summary judgment against him.

A summary judgment is where a court decides a case without a full trial.

Justice Ahmad Bache said there were no triable issues to warrant a full trial.

"Consequently, the court has no alternative but to enter a summary judgment against the defendant for the amount claimed by the plaintiff," Justice Ahmad said here yesterday.

In his ruling, he said Najib had been served with a notice of assessment from the Inland Revenue Board (LHDN), after which the court, in civil proceedings brought

by the government, has no power to entertain any plea that the amount is excessive, incorrectly assessed, under appeal or whatsoever as such matters should be taken to the Special Commissioners of Income Tax (SCIT) who are the judges of fact.

"Section 99 of the Income Tax Act (ITA) 1967 clearly provides that if a person is dissatisfied with the assessment raised, he may appeal to the SCIT, of which the defendant has duly done," he added.

The court therefore held that the questions of facts should be heard by the SCIT and not the court as it was not the appropriate quorum to decide on issues of assessment, he said.

Justice Ahmad said that although the provision "pay first, talk later" – as expressed by the Federal Court – was harsh, it was an intentional provision of the legislature due to the high incidence of tax evasion in

the country.

The judge also said that as a former finance minister, Najib was aware or should have been aware that the tax became due and payable once the notice of assessment was served in accordance with the provisions of the ITA 1967.

"The defendant, to date, has failed to pay the total amount of arrears of additional income tax, amounting to RM1,692,872,924.83, which includes all the penalties," he added.

The court then allowed the plaintiff's application for a summary judgment to be entered against the defendant and fixed RM15,000 in costs.

LHDN's deputy revenue solicitor Abu Tariq Jamaluddin appeared for the government.

Lawyer Muhammad Farhan Muhammad Shafee, who represented Najib, told reporters that his client would be filing for a stay

of execution.

On June 25, 2019, the government through LHDN had filed a suit against Najib seeking payment for a total of RM1,692,872,924.83, with 5% yearly interest from the date of judgment, as well as costs and other relief deemed fit by the court.

The additional income tax payment was for the year of assessment 2011 until 2017.

It also said that Najib was given 60 days to pay the taxes but had failed to do so.

In July that same year, Najib filed an application to stay the proceedings of the main suit pending an appeal on the tax assessment to LHDN but it was dismissed.

On Facebook, Najib said the truth "would come to light when he faces the commission panel".

He also said that he had been a victim of abuse of power during the time of the Pakatan Harapan administration.