

Bhurtun Chambers

ARC Findings Update No. 7 of 2024:

NESMAH IBRAHIM vs REGISTRAR GENERAL

ARC/RG/085-22; 137-22; 138-22; 139-22; 142-22

20 August 2024

FACTS

Five properties - office complexes situated on the 2nd floor of a building known as ONE GRAND BAIE, declared at Rs 2,050,000 each by the Applicant, had been reassessed by the Respondent upon the issue of Notices under **S. 28(2)(b) Land (Duties and Taxes) Act** as follows:

- Lot No. 281 – Rs 2,855,000;
- Lot No. 282 – Rs 2,773,000;
- Lot No. 283 – Rs 2,599,000;
- Lot No. 284 – Rs 2,599,000; and
- Lot No. 285 – Rs 2,792,000

The Applicant based himself on a letter, signed by the director of “Société Civil ‘Trioval’” which sold the properties to the Applicant, where it was mentioned that the price offered was for “shell & core”, i.e. without the finishes, at the total price of Rs 2,050,000 for Lot 281. The Applicant also based himself on three comparables concerning three lots located on the third floor which were allegedly sold for more or less the same price as the subject properties above.

The Respondent relied on the sales evidence of Lot 288 and Lot 278 which were direct sales evidence for the subject properties – located on the second floor of the building.

Of note here, the Applicant, Mr. Abdool Soreefan, represented his wife Mrs. Naseemah Ibrahim and conducted his own case without the assistance of his legal advisor and did not call any witness.

CONCLUSION AND REASONING OF THE ARC

In setting aside the representations, the ARC explained that the direct comparison method of valuation of is the most reliable one. The Respondent had relied on two comparables in relation to properties located in the same building and on the same floor.

Further, the committee also noted that the evidence of the Respondent stood un rebutted, the more so as the Government Valuer was not cross-examined as to whether the prices of the comparables were for “shell and core” or with finishes. Further, the comparables used by the Applicant were not substantiated with the respective title deeds nor was there any evidence that they constituted sales for “shell and core”.

The ARC therefore concluded that the Applicant had not come up with any valid reason for the Committee to interfere with the assessed value ascribed to the subject properties.

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