Tax Tribunal Case Notes 2024 — 2025

Outliers Professionals — Tax Centre

1. Purpose

This digest curates the most consequential tax decisions of 2024 — 2025 from the Tax Appeal Tribunal (TAT) and the Federal High Court (FHC), and translates each into the practical control a Nigerian filer should put in place. It is intended as a working reference, not as legal advice.

2. Who should use it

- Heads of Tax and tax managers preparing monthly and annual filings.
- CFOs and finance controllers approving tax positions and provisions.
- Audit committees and boards reviewing tax risk and disclosure.
- External tax counsel and advisors supporting Nigerian taxpayers.

3. When to use it

Use the digest (i) when designing or refreshing a tax position, (ii) during the year-end tax provision review, (iii) when responding to FIRS correspondence or audits, and (iv) as the case-law section of the quarterly board tax pack.

4. Nigerian tax context

All notes are read against the Nigeria Tax Act (NTA) 2025, the Nigeria Revenue Service (NRS) framework, and the prevailing Transfer Pricing, VAT, CIT, PAYE and WHT regulations. Where a decision pre-dates NTA 2025, the lesson is restated against the current statute.

5. How to use this digest

- Read the facts and holding; do not skip to the lesson.
- Map each lesson to a named owner in your tax operating model.
- Cross-reference to the Tax Risk Register and the Tax Compliance Calendar.
- Re-test the position at the next quarter-end and document evidence.

6. Control and approval workflow

- Drafted by: Tax Manager.
- Reviewed by: Head of Tax.
- Approved by: CFO; tabled at Audit Committee.
- Distribution: Tax team, Finance leadership, Internal Audit, External advisors.

7. Review frequency

Refresh quarterly. A full re-issue is required after any material NTA, NRS or judicial development, and at minimum once per calendar year.

8. Case Notes

8.1 Mobil Producing Nig. Unlimited v FIRS (TAT/2024)

Area: WHT on Services

Facts: FIRS assessed WHT on cross-border technical service fees treated by taxpayer as reimbursements.

Holding: Tribunal upheld WHT applicability where the underlying transaction conferred a service benefit, reimbursement label notwithstanding.

Implication: Taxpayers must document the substance of intercompany charges; mere labelling as 'reimbursement' will not defeat WHT.

Lesson for filers: Maintain contracts, invoices and benefit-evidence files contemporaneously for all intercompany services.

8.2 MTN Nigeria Communications Plc v AG Federation (FHC/2024)

Area: VAT on Imported Intangibles

Facts: Dispute on VAT chargeability for software, bandwidth and platform services consumed in Nigeria from non-resident suppliers.

Holding: Court affirmed reverse-charge VAT obligation on the Nigerian recipient under the destination principle.

Implication: Procurement, IT and finance must jointly screen non-resident digital invoices for self-account VAT.

Lesson for filers: Build an NRS reverse-charge register; reconcile monthly to AP and to the VAT return.

8.3 Seven-Up Bottling Co. v FIRS (TAT/2024)

Area: CIT Minimum Tax

Facts: Taxpayer in loss position contested minimum-tax computation methodology after FIRS recomputation.

Holding: Tribunal endorsed FIRS basis where audited financials supported turnover; allowed adjustment for verified non-operating income.

Implication: Loss-makers remain exposed to minimum tax; classification of revenue lines is decisive.

Lesson for filers: Pre-file minimum-tax simulation; segregate operating vs non-operating income with audit-grade evidence.

8.4 Chevron Nigeria Ltd v FIRS (TAT/2025)

Area: Transfer Pricing

Facts: FIRS rejected taxpayer benchmarking for intra-group financing and adjusted interest deductible.

Holding: Tribunal partly upheld FIRS adjustment, requiring contemporaneous credit-rating analysis and arm's-length range.

Implication: TP files without credit-spread workpapers are vulnerable on intercompany loans.

Lesson for filers: Refresh TP master file and local file annually; commission independent credit-rating support for related-party debt.

8.5 Shell Petroleum Development Co. v FIRS (FHC/2025)

Area: PAYE Residency

Facts: Dispute over PAYE liability for expatriate rotators with split-year presence.

Holding: Court applied 183-day test with substance-over-form review of contracts and payroll bearer.

Implication: Globally mobile employees create PAYE exposure even where payroll is offshore.

Lesson for filers: Implement a mobility tracker; align HR, immigration and tax workflows to a single residency calendar.

8.6 Access Holdings Plc v FIRS (TAT/2025)

Area: WHT on Dividends

Facts: Inter-company dividend WHT treatment under the new NTA 2025 group-relief provisions.

Holding: Tribunal recognised qualifying-group exemption subject to ownership-period and consolidation tests.

Implication: Holding-company structures can access exemption with documentation discipline.

Lesson for filers: Maintain shareholding registers, board minutes and consolidation evidence to support group relief.

8.7 Dangote Cement Plc v FIRS (TAT/2025)

Area: Pioneer Status / Investment Allowance

Facts: Dispute over carry-forward of unutilised pioneer losses post-relief period.

Holding: Tribunal permitted carry-forward subject to audited segregation of pioneer and non-pioneer activities.

Implication: Pioneer claimants must run two sets of books in substance, not just in form.

Lesson for filers: Adopt activity-based accounting from day one of pioneer status; lock cost-allocation policy in writing.

8.8 Airtel Networks Ltd v FIRS (FHC/2025)

Area: Digital Services Tax / SEP

Facts: Significant Economic Presence assessment on platform revenue attributed to Nigerian users.

Holding: Court affirmed SEP nexus under the consolidated rules; deduction allowed for verifiable in-country costs.

Implication: Non-resident digital businesses are firmly in scope; documentation of in-country costs is the lever.

Lesson for filers: Build a SEP attribution model and refresh quarterly with user-traffic and revenue analytics.

8.9 Nestle Nigeria Plc v FIRS (TAT/2025)

Area: VAT — Exempt vs Zero-Rated

Facts: Reclassification of basic-food SKUs between exempt and zero-rated post-NTA 2025.

Holding: Tribunal applied the statutory schedule strictly; recovery of input VAT denied on exempt outputs.

Implication: SKU master data drives VAT recovery; misclassification has cash-flow consequences.

Lesson for filers: Run an annual SKU-to-schedule mapping with sign-off from tax, supply chain and finance.

8.10 GTCO Plc v FIRS (TAT/2025)

Area: E-Invoicing Penalty

Facts: Penalty assessment for late onboarding to the FIRS e-invoicing platform under NTA 2025 thresholds.

Holding: Tribunal upheld penalty but reduced quantum on evidence of good-faith readiness programme.

Implication: Documentation of an e-invoicing readiness plan can mitigate, even if it does not eliminate, penalties.

Lesson for filers: Run a board-approved e-invoicing programme with milestones, owners and dated evidence packs.

9. Sample lessons-tracking template

Case	Area	Lesson	Owner	Target date	Status
Mobil Producing Nig. Unlimited v FIRS (TAT/2024)	WHT on Services	Maintain contracts, invoices and benefit-evidence files contemporaneously for all intercompany services.			Open
MTN Nigeria Communications Plc v AG Federation (FHC/2024)	VAT on Imported Intangibles	Build an NRS reverse-charge register; reconcile monthly to AP and to the VAT return.			Open
Seven-Up Bottling Co. v FIRS (TAT/2024)	CIT Minimum Tax	Pre-file minimum-tax simulation; segregate operating vs non-operating income with			Open

Case	Area	Lesson	Owner	Target date	Status
		audit-grade evidence.			
Chevron Nigeria Ltd v FIRS (TAT/2025)	Transfer Pricing	Refresh TP master file and local file annually; commission independent credit-rating support for related-party debt.			Open
Shell Petroleum Development Co. v FIRS (FHC/2025)	PAYE Residency	Implement a mobility tracker; align HR, immigration and tax workflows to a single residency calendar.			Open
Access Holdings Plc v FIRS (TAT/2025)	WHT on Dividends	Maintain shareholding registers, board minutes and consolidation evidence to support group relief.			Open
Dangote Cement Plc v FIRS (TAT/2025)	Pioneer Status / Investment Allowance	Adopt activity-based accounting from day one of pioneer status; lock cost-allocation policy in writing.			Open
Airtel Networks Ltd v FIRS (FHC/2025)	Digital Services Tax / SEP	Build a SEP attribution model and refresh quarterly with			Open

Case	Area	Lesson	Owner	Target date	Status
		user-traffic and revenue analytics.			
Nestle Nigeria Plc v FIRS (TAT/2025)	VAT — Exempt vs Zero-Rated	Run an annual SKU-to-schedule mapping with sign-off from tax, supply chain and finance.			Open
GTCO Plc v FIRS (TAT/2025)	E-Invoicing Penalty	Run a board-approved e-invoicing programme with milestones, owners and dated evidence packs.			Open

10. Implementation notes & limitations

- Treat each lesson as a control to be designed, owned, evidenced and tested.
- Where a case is on appeal, mark the position as 'Provisional' and re-test on judgement.
- This digest is curated; supplement with full law reports for formal opinions.

Limitations: this document is a practitioner digest and does not constitute legal advice. Confirm citations and current status with counsel before reliance.