

The Revenue Tribunal Act 2025: A New Era in Tax Dispute Resolution in Mauritius

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The coming into operation of the Revenue Tribunal Act 2025 on 5 January 2026 marks a decisive structural reform in the Mauritian tax dispute resolution landscape. With this legislation now fully in force, the Assessment Review Committee (ARC) has been replaced, and its functions have been formally assumed by the newly established Revenue Tribunal.

This reform goes well beyond institutional rebranding. It introduces a modern, independent, and quasi-judicial body with enhanced powers, codified procedures, enforceable timelines, and broader avenues of appeal. Collectively, these changes significantly recalibrate the balance between taxpayers and the revenue authorities, while strengthening legal certainty, procedural fairness, and confidence in Mauritius as a credible investment jurisdiction.

From ARC to Revenue Tribunal: A Structural Shift

Under the previous regime, the ARC operated under section 18 of the Mauritius Revenue Authority Act as an administrative review body, often criticised for procedural informality, extended delays, and limited remedial powers. The Revenue Tribunal Act 2025 (the “Act”) addresses these shortcomings by establishing the Revenue Tribunal as an independent statutory body.

Composition and Independence of the Tribunal

The Revenue Tribunal is designed to reflect judicial independence and technical competence. Its composition includes:

- A Chairperson, who must be a barrister of at least 10 years' standing;
- One or more Vice-Chairpersons, each being a barrister of at least 5 years' standing; and
- Up to 10 additional members possessing recognised expertise in law, taxation, accountancy, economics, or business administration.

Expedited Appeal Process

The appeal process has been materially clarified and formalised. A person aggrieved by a determination of the Director-General of the MRA or the Registrar-General must now:

- Lodge a notice of appeal with the Secretary of the Revenue Tribunal within 28 days of the determination;
- Serve the notice of appeal on all relevant parties within the same timeframe.

Only grounds expressly stated in the notice of appeal may be entertained. Late appeals may be rejected unless the Tribunal is satisfied that the delay resulted from illness or other reasonable cause.



Pre-Payment Requirement

Under the previous framework, taxpayers were required to deposit 5% of the disputed tax amount as a precondition to lodging an appeal, without any statutory cap. The Revenue Tribunal Act 2025 introduces a significant safeguard by imposing a monetary ceiling on this requirement.

A taxpayer appealing a determination under specified fiscal provisions is now required to deposit 5% of the amount assessed or MUR 5 million, whichever is lower, at the time of filing the appeal.

The introduction of this ceiling significantly enhances access to justice, particularly for large corporate taxpayers facing high-value assessments.

Binding Procedural Timelines

One of the most consequential reforms lies in the imposition of mandatory timelines:

- A preliminary hearing must be held within 120 days of the appeal being filed; and
- A final decision must be delivered within 90 days after the close of the hearing, unless all parties consent to an extension.

This represents a marked departure from the ARC regime, under which statutory deadlines were frequently extended, often resulting in protracted delays.

Mediation by Joint Request

Under the previous framework, mediation could only be initiated by the Chairperson. The Act introduces a more accessible and party-driven mediation mechanism. Mediation may now be initiated by joint request of the parties before the appeal is heard.

The mediation panel will consist of the Chairperson or a Vice-Chairperson and, where appropriate, another Tribunal member. Where a settlement is reached:

- It is final and binding;
- It is deemed to be a decision of the Revenue Tribunal; and
- It does not constitute a precedent for other cases.

If mediation fails to produce an agreement within 60 days, the matter proceeds to adjudication.

Burden of Proof

The Act also codifies the allocation of the burden of proof.

- As a general rule, the burden lies on the appellant to prove that tax has been paid or that the determination of the Director-General or Registrar General is incorrect;
- However, in specific anti-avoidance context, the burden shifts to the Director General of the MRA or Registrar General, including appeals under:
 - Section 90 of the Income Tax Act;
 - Section 36A of the VAT Act; and
 - Section 39 of the Land (Duties and Taxes) Act.

This statutory reallocation represents a significant safeguard against unsubstantiated anti-avoidance assessments.

Expanded Powers and Sanctions

The Revenue Tribunal enjoys robust quasi-judicial powers, including the authority to:

- Summon witnesses and compel the production of documents;
- Take evidence under oath;
- Dismiss frivolous or vexatious appeals without an oral hearing; and
- Award costs where appropriate.

Non-compliance with Tribunal proceedings—such as refusing to testify, giving false evidence, or disrupting hearings—constitutes an offence punishable by a fine of up to MUR 100,000 and/or imprisonment for up to two years.

Appeals to the Supreme Court on Points of Law and Fact

The Act substantially reforms appellate recourse. Unlike the ARC regime, where appeals were confined to points of law via a rigid case-stated procedure, parties may now appeal on points of law and fact, subject to procedural safeguards:

Key procedural steps include:

- Filing a notice of appeal with the Revenue Tribunal within 21 days of its final decision;
- Entering into a recognisance and depositing security for costs as determined by the Tribunal;
- Lodging the appeal with the Supreme Court within 14 days thereafter;
- Respondents must signal their intention to resist the appeal within 28 days of service of the notice of appeal.

The appeal procedure mirrors that applicable to civil appeals from District Courts, thereby aligning tax litigation with mainstream judicial practice.

Transitional Arrangements

The Act provides detailed transitional safeguards:

- Ongoing ARC matters which have reached hearing stage will be taken over by the Tribunal and shall be continued in accordance with the repealed law. Matters which have not started on the commencement of the Act shall be transferred to the Revenue Tribunal.
- All ARC staff, assets, liabilities, and rights have been vested in the Revenue Tribunal;
- Pending appeals to the Supreme Court will continue under section 21 of the MRA Act as if that section has not been repealed.



With the Revenue Tribunal Act 2025 now operational, Mauritius has entered a new phase in tax dispute resolution. The abolition of the ARC and the establishment of a fully-fledged Revenue Tribunal signal a deliberate move towards greater institutional independence, procedural rigour, and judicial accountability.

For taxpayers, legal practitioners, and investors alike, the new regime promises enhanced fairness, clearer rules of engagement, and more predictable outcomes. While its long-term effectiveness will depend on practical implementation and jurisprudential development, the Revenue Tribunal now stands at the centre of Mauritius' tax justice system—no longer as a reform in waiting, but as an operative reality.



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