APPENDIX VI
EXTRAORDINARY INFORMATION DISCLOSURE

(Issued together with Decision No. 21/QĐ-SGDVN dated December 21st, 2021 of the President of the Vietnam Exchange on the Regulations on Information Disclosure at the Vietnam Exchange and its subsidiaries, as amended and supplemented under Decision No. 31/QĐ-HĐTV dated March 31st, 2026))

TAN TAO INVESTMENT AND INDUSTRY CORPORATION	**SOCIALIST REPUBLIC OF VIETNAM**
---	**Independence - Freedom - Happiness**
No.: 414 /TB-ITACO 26	---
	Ho Chi Minh City, November 18th, 2026

EXTRAORDINARY INFORMATION DISCLOSURE

To: - State Securities Commission;
- Hanoi Stock Exchange.

1. Name of organization: Tan Tao Investment and Industry Corporation (ITACO)

- Securities code: ITA
- Head office address: Lots 2-4-6, Street C, Tan Tao Industrial Park, Tan Tao Ward, Ho Chi Minh City
- Telephone: 028 37508235 – 028 37508236. Fax: 028 37508237
- Person making the disclosure: Nguyen Thanh Phong
- Position: President.

2. Contents of information disclosure

- Tan Tao Investment and Industry Corporation hereby discloses information regarding Administrative Appellate Judgment No. 286/2026/HC-PT dated March 30th, 2026 of the Appellate Court of the Supreme People's Court in Ho Chi Minh City concerning the **"Lawsuit over an Administrative Decision"** (following the Company's appeal against Administrative First-Instance Judgment No. 282/2025/HC-ST dated July 18th, 2025 of the Ho Chi Minh City People's Court), specifically as follows:
- **Contents of the Judgment:** The Appellate Trial Panel partially accepts the appeal request of Tan Tao Investment and Industry Corporation; annuls Administrative First-Instance Judgment No. 282/2025/HC-ST dated July 18th, 2025 of the Ho Chi Minh City People's Court and transfers the case file to the First-Instance Court for retrial in accordance with the law.
- **Date on which the Company actually received the Judgment:** May 20th, 2026 (according to the Company's incoming correspondence stamp).
- **Progress and status of resolution:** The Company is continuing to undertake legal procedures in accordance with the law to protect the lawful and legitimate rights and interests of the Company, as well as those of its domestic and foreign shareholders and investors.
- **Note:** This information was previously submitted by the Company for disclosure on the CIMS system but was rejected because the documents were submitted together

in a single filing. The Company is now submitting it separately as one independent 24-hour extraordinary information disclosure announcement in accordance with the guidance of the Hanoi Stock Exchange.

3. This information was published on the Company's website on November 18th, 2026, at the following link:
https://www.itaexpress.com.vn/tin_ita/ch_ng_khoan_ita/cong_b_thong_tin/

We hereby undertake that the information disclosed above is true and accept full legal responsibility for the contents of the disclosed information.

Attached document:
- Appellate Judgment No. 286/2026/HC-PT dated March 30th, 2026;

For and on behalf of the Company
Legal Representative / Authorized Person for Information Disclosure
PRESIDENT

CÔNG TY CỔ PHẦN ĐẦU TƯ VÀ CÔNG NGHIỆP TÂN TẠO
Digitally signed by CÔNG TY CỔ PHẦN ĐẦU TƯ VÀ CÔNG NGHIỆP TÂN TẠO
DN: C=VN, S=HÀ NỘI, L=Hồ Chí Minh, CN=CÔNG TY CỔ PHẦN ĐẦU TƯ VÀ CÔNG NGHIỆP TÂN TẠO, OID.0.9.2342.19200300.100.1.1=MST:0302670307
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NGUYEN THANH PHONG

THE SUPREME PEOPLE'S COURT
THE APPELLATE COURT
IN HO CHI MINH CITY

Judgment No.: 286/2026/HC-PT
Date: March 30th, 2026
Regarding: "Lawsuit against administrative decisions"

SOCIALIST REPUBLIC OF VIET NAM
Independence – Freedom – Happiness

IN THE NAME OF
THE SOCIALIST REPUBLIC OF VIETNAM
THE APPELLATE COURT OF THE SUPREME PEOPLE'S COURT
IN HO CHI MINH CITY

- The Composition of the Appellate Trial Panel consists of:

Presiding Judge of the Court Session: Ms. Pham Thi Duyen
Judges: Ms. Nguyen Thi Thanh
Ms. Bui Thi Thu

- Court Clerk: Ms. Tran Thi Kim Yen - Clerk of the Appellate Court of the Supreme People's Court in Ho Chi Minh City.

***- Representative of the Procuracy conducting appellate adjudication supervision in Ho Chi Minh City participating in the court session*:** Mr. Ha Van Hien - Procurator.

On March 30th, 2026, at the headquarters of the Appellate Court of the Supreme People's Court in Ho Chi Minh City, an open appellate trial was conducted for the administrative case registered under docket number: 267/2025/TLPT-HC dated October 25th, 2025, regarding the matter of "Lawsuit against administrative decisions".

Arising from the First-Instance Administrative Judgment No.: 282/2025/HC-ST dated July 18th, 2025, of the People's Court of Ho Chi Minh City.

According to the Decision to Bring the Case to Trial No. 2123/2025/QD-PT dated November 24th, 2025, between the litigants:

- *The Plaintiff*: Tan Tao Investment and Industry Corporation;

Address: Plot 2-46 Road C, Tan Tao Industrial Park, Tan Tao A Ward, Binh Tan District, Ho Chi Minh City (now Tan Tao Ward, Ho Chi Minh City).

Authorized Representative: Ms. Bui Thi Phuong, born in 1986 (present);

Address: 754/13/27 Tan Ky Tan Quy, Binh Hung Hoa Ward, Ho Chi Minh City.

Counsel for the Plaintiff: Lawyer Nguyen Kieu Hung of the Ho Chi Minh City Bar Association (present).

- *The Defendants:*

1. The Manager of Ho Chi Minh City Tax Office (formerly the Ho Chi Minh City Tax Department/Area II Tax Branch) (absent);

Address: No. 63 Vu Tong Phan, Binh Trung Ward, Ho Chi Minh City.

Legal Defenders:

- Mr. Le Huu Cuong (present);

- Mr. Ngo Hoang Phuc (present);

- Mr. Le Minh Hieu (present).

2. The Manager of Ho Chi Minh City commune-level Tax Office No. 9 of Ho Chi Minh City (formerly the Binh Tan District Tax Branch/Binh Tan District Tax Team) (absent);

Address: 528 Kinh Duong Vuong, An Lac Ward, Ho Chi Minh City.

Legal Defender: Mr. Huynh Thanh Huy (present).

3. The Team Leader of Customs at the High-Tech Zone (formerly the Investment Goods Customs Branch) (absent);

Address: No. 73 Nguyen Binh Khiem, Tan Dinh Ward, Ho Chi Minh City.

- *Persons with Related Rights and Obligations:*

1. Department of Agriculture and Environment of Ho Chi Minh City (absent);

2. The Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City (absent);

Address: No. 35 Nguyen Binh Khiem, Tan Dinh Ward, Ho Chi Minh City.

3. The Ho Chi Minh City Department of Finance (absent);

4. The Ho Chi Minh City Land Registration Office (absent);

Address: No. 12 Phan Dang Luu, Gia Dinh Ward, Ho Chi Minh City.

- *The Appellant*: The Plaintiff, Tan Tao Investment and Industry Corporation.

CASE CONTENT

The plaintiff, Tan Tao Investment and Industry Corporation, presents the following arguments:

Tan Tao Investment and Industry Corporation requests the court to accept the following claims:

- Revoke Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Manager of Ho Chi Minh City Tax Office regarding the payment of land rental fees for water surface leases.

- Revoke Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Manager of the Binh Tan District Tax Branch.

- Revoke Decision No. 821/QD-CT-CC dated May 6th, 2024, from the Manager of Ho Chi Minh City Tax Office concerning the enforcement of an administrative decision on tax management through the suspension of invoice usage.

- Revoke Decision No. 618/QD-DT dated May 2nd, 2024, from the Manager of the Investment Goods Customs Branch regarding the enforcement of an administrative decision on tax management by halting customs procedures for imported and exported goods.

- Revoke Decision No. 1334/QD-CCTKV02 dated May 6th, 2025, from the Manager of the Area II Tax Branch.

- Revoke Tax Arrears Notification No. 112644/TB-CCTKV02-KDT dated June 13th, 2025, from the Manager of the Area II Tax Branch.

Reasons for the Lawsuit:

According to Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department, the leased land area from January 1st, 2006, to June 30th, 2014, for which a one-time land rental payment of 348,372.8 m² was collected (based on Document No. 8085/STNMT-QLD dated August 22nd, 2018, from the Ho Chi Minh City Department of Natural Resources and Environment) is no longer applicable. This is because two companies (three plots of land) have terminated their lease agreements with Tan Tao Investment and Industry Corporation (hereinafter referred to as Tan Tao Corporation), and new companies (new customers) are now leasing land with annual rental payments:

1. Plot No. 37, Trung Tam Road, Tan Tao Industrial Park, area of 7,594 m².

- On February 1st, 2012, Tan Tao Investment and Industry Corporation and Fuvi Mechanical Technology Company Limited signed Land Lease Agreement No. 414A/HDTLĐ/KD12, whereby Tan Tao leased 7,594 m² of land at Plot No. 37, Trung Tam Road, Tan Tao Industrial Park to Phu Vinh Company.

- On December 2nd, 2020, Tan Tao Corporation and Phu Vinh Company signed Minutes No. 118/TLHĐ-TLĐ/KD-20 regarding the liquidation of Agreement No. 414A/HDTLĐ/KD12.

- On December 29th, 2020, Tan Tao Investment and Industry Corporation and Tech Mastery Vietnam Company Limited signed Land Lease Agreement No.

471/HĐTLQSDĐ/KD-20, whereby Tan Tao leased 7,594 m² of land at Plot No. 37, Trung Tam Road, Tan Tao Industrial Park, with an annual rental payment structure.

- The land use right certificate for Plot No. 37, Trung Tam Road, Tan Tao Industrial Park was registered for transfer on July 23rd, 2021, from Fuvi Mechanical Technology Company Limited to Tech Mastery Vietnam Company Limited.

2. Plot No. 11-11B, Nuoc Len Road, Tan Tao Industrial Park, area of 7,115.1 m² (4,358.89 m² and 2,747.82 m²).

- On June 17th, 2009, Tan Tao Investment and Industry Corporation and Quang Hung Steel Production Trading Service Company Limited signed Land Lease Agreement No. 404/HĐ-TLĐ/KD-09, whereby Tan Tao leased 4,358.89 m² of land at Plot No. 11, Nuoc Len Road, Tan Tao Industrial Park to Quang Hung Steel.

- On December 30th, 2010, Tan Tao Investment and Industry Corporation and Quang Hung Steel Production Trading Service Company Limited signed Land Lease Agreement No. 401/HĐ-TLĐ/KD-10, whereby Tan Tao rented 2,747.82 m² of land at Plot No. 11B, Nuoc Len Road, Tan Tao Industrial Park to Quang Hung Steel.

- On April 7th, 2021, Tan Tao Investment and Industry Corporation and Quang Hung Steel Production Trading Service Company Limited signed Minutes of Liquidation No. 120/TLHĐ-TLĐ/KD-21, whereby the two parties liquidated Land Lease Agreement No. 404/HĐ-TLĐ/KD-09 dated June 17th, 2009.

- On April 7th, 2021, Tan Tao Investment and Industry Corporation and QH PLUS Corporation signed Minutes of Liquidation No. 121/TLHĐ-TLĐ/KD-21, whereby the two parties liquidated Land Lease Agreement No. 401/HĐ-TLĐ/KD-10 dated December 30th, 2010.

- On May 31st, 2021, Tan Tao Investment and Industry Corporation and CITICOM Saigon Steel Joint Stock Company signed Land Lease Agreement No. 472/HĐ-TLQSDĐ/KD-21, whereby Tan Tao leased 7,115.1 m² of land at Plot No. 11-11B, Nuoc Len Road, Tan Tao Industrial Park, with an annual rental payment structure.

The land use right certificate for Plot No. 11-11B, Nuoc Len Road, Tan Tao Industrial Park was registered for transfer on September 7th, 2022, from QH PLUS Corporation to CITICOM Saigon Steel Joint Stock Company.

As of now, the total area of leased land for which a one-time rental payment is made for contracts signed from January 1st, 2006, to June 30th, 2014, has decreased to: 348,372.8 m² - 7,594 m² - 7,115.1 m² = 333,663.7 m². This reduction in leased land area has been reported by Tan Tao Corporation to the Tax Department, Department of Finance, Department of Natural Resources and Environment, City Land Registration Office, and the Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City in Official Letter No. 378/ITACO-23 dated August 4th, 2023, and Official Letter No. 426/CV-QLDA-ITACO23 dated September 21st, 2023.

First-Instance Administrative Judgment No. 822/2022/HC-ST dated June 10th, 2022, of the People's Court of Ho Chi Minh City and the appellate judgment No. 592/2023/HC-PT dated July 26th, 2023, of the High-level People's Court in Ho Chi Minh City regarding the "Lawsuit against administrative decisions on land rental payments, tax arrears, penalties, and late payment tax, and enforcement of administrative decisions related to tax" annulled all notifications of land payment No. 13209/TB-CT dated July 8th, 2019, from the Ho Chi Minh City Tax Department and related documents (Official Letter No. 2835/CTTPHCM-QLD dated April 4th, 2022, regarding the adjustment of Notification No. 13209/TB-CT dated July 8th, 2019, from the Ho Chi Minh City Tax Department, tax arrears notifications, and late payment notifications from the Binh Tan District Tax Branch, as well as enforcement decisions of the taxation administration). Therefore, when issuing Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, the Ho Chi Minh City Tax Department must start anew, adhering to the regulations regarding the documentation and procedures for receiving and transferring financial obligations related to land by land users established under Circular No. 88/2016/TTLT/BTC-BTNMT dated June 22nd, 2016, from the Ministry of Finance and the Ministry of Natural Resources and Environment. Any documentation or forms that are incomplete must be supplemented by the land user, and any information that has changed must be updated; however, the Ho Chi Minh City Tax Department did not comply with Circular No. 88/2016/TTLT/BTC-BTNMT and continued to use the data from Official Letter No. 8085/STNMT-QLD dated August 22nd, 2018, from the Department of Natural Resources and Environment, which is no longer applicable.

In the records for determining land-related financial obligations for 127 land lots with a total area of 806,179.6 m² belonging to Tan Tao Corporation, there is a complete absence of any Cadastral Information Transfer Form according to Form No. 01/LCHS as regulated under Clause 1, Article 3 and Clause 1, Article 12 of Joint Circular No. 88/2016/TTLT/BTC-BTNMT dated June 22nd, 2016, issued by the Ministry of Finance and the Ministry of Natural Resources and Environment.

All 78 plots, with a total area of 457,806.8 m² leased prior to January 1st, 2006, and 49 plots, with a total area of 348,372.8 m² leased from January 1st, 2006, to before July 1st, 2014, as stated in Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department, are located on the front of Tran Dai Nghia Street (regardless of positions 1, 2, 3, 4, etc.).

The Land Lease Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department, references Official Letter No. 8085/STNMT-QLD dated August 22nd, 2018, from the Department of Natural Resources and Environment, which states: "... *Additionally, the regulations regarding one-time land rental payments for the entire lease term are specifically provided in Decree No. 46/2014/NĐ-CP, stating that the determination of location and alley levels is not necessary...*". This statement is incorrect because:

- Decree No. 46/2014/NĐ-CP dated May 15th, 2014, from the government (regarding land rental and water surface leasing) does not contain any stipulation that the determination of location and alley levels is unnecessary. In fact, Clause 1, Article 22 of Decree No. 46/2014/NĐ-CP specifies: "*Based on the land registry records (including area, location, purpose, form of land lease, and lease term) for land and water surface leasing; decisions on land prices, water surface land prices, unit prices for leasing land for underground construction, and prices for leasing water surfaces from the provincial People's Committee; the land price table, percentage rates, and price adjustment coefficients established by the provincial People's Committee; the tax authority organizes the determination and collection of land rental fees and water surface taxes as follows...*".

- Decree No. 135/2016/NĐ-CP dated September 9th, 2016, from the government states: "*The unit price for annual land rental is determined according to the law effective on January 1st, 2006.*" Therefore, applying Decree No. 46/2014/NĐ-CP dated May 15th, 2014, in this case is incorrect. The applicable legal provisions at the corresponding time are as follows:

+ Clause 8, Article 1 of Decision No. 107/2006/QĐ-UBND dated July 17th, 2006, from the Ho Chi Minh City People's Committee (concerning the unit price for land rental in Ho Chi Minh City) stipulates: "*The determination of land prices for each specific location will be calculated based on the percentage of the land rental price according to the documents issued by the inter-agency (Department of Finance - Department of Construction - Department of Natural Resources and Environment - Ho Chi Minh City Tax Department) regarding the application of the land price table issued with the Decision of the People's Committee of the City.*"

+ Official Letter No. 1280/HD-LS dated February 24th, 2006, from the inter agency (Department of Finance - Tax Department - Department of Construction - Department of Natural Resources and Environment) provides guidance on the application of the land price table issued with Decision No. 227/2005/QĐ-UB dated December 27th, 2005, from the Ho Chi Minh City People's Committee, which defines alley positions as follows:

Thus, Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department, incorrectly identifies 127 plots of land belonging to Tan Tao Corporation as being on the front of Tran Dai Nghia Street, which is not accurate and contradicts the law.

While Tan Tao Corporation is in contact with the Department of Finance to process the determination of financial obligations related to land, including the deduction of compensation for site clearance from land rental payments (Official Letter No. 378/CV-PLITACO-23 dated August 4th, 2023, from Tan Tao Corporation and Official Letter No. 6324/STC-QLG dated September 15th, 2023, from the Ho Chi Minh

City Department of Finance), the Ho Chi Minh City Tax Department still issued the Land Lease Payment Notice.

Regarding Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Binh Tan District Tax Branch, it is a derivative document of the Land Lease Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department. Therefore, if the Notification of Land Rental Payment No. 24096/TB-CTTPHCM dated October 18th, 2023, is erroneous, then the Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Binh Tan District Tax Branch is also incorrect.

Decision No. 821/QĐ-CT-CC dated May 6th, 2024, from the Ho Chi Minh City Tax Department and Decision No. 618/QĐ-ĐT dated May 2nd, 2024, from the Investment Goods Customs Branch state the reason for enforcement is that the taxpayer (Tan Tao Corporation) has tax arrears exceeding 90 days from the due date as prescribed. The overdue tax of more than 90 days mentioned is the tax payable according to: (1) Notification of one-time land rental payment No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department, (2) Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Binh Tan District Tax Branch. However, since the Land Lease Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023, and Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Binh Tan District Tax Branch contain violations that need to be revoked, Decisions No. 821/QĐ-CT-CC dated May 6th, 2024, from the Ho Chi Minh City Tax Department and No. 618/QĐ-ĐT dated May 2nd, 2024, from the Investment Goods Customs Branch lack a legal basis and must be annulled.

The Defendant, the Manager of Ho Chi Minh City Tax Office, has provided a written statement:

In compliance with the appellate judgment No. 592/2023/HC-PT dated July 26th, 2023, from the High-level People's Court in Ho Chi Minh City regarding the "Lawsuit against the administrative decision on land rental payments, tax arrears, penalties, and late payment of taxes, and the enforcement of administrative tax decisions," the Ho Chi Minh City Tax Department issued Land Lease Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023.

Content of the Appellate Judgment:

In the aforementioned appellate judgment, the High-level People's Court in Ho Chi Minh City declared:

"1. Denial of Appeals: The appeal of the Ho Chi Minh City Tax Department is rejected; the appeal of the Chief Prosecutor of the Ho Chi Minh City People's Procuracy is also rejected; the first-instance judgment No. 822/2022/HC-ST dated June 10th, 2022, of the Ho Chi Minh City People's Court is upheld.

2. Partial Acceptance of the Plaintiff's Claims: The court partially grants the claims of Tan Tao Investment and Industry Corporation, annulling the following administrative decisions: Land Lease Payment Notice No. 16820/TB-CT dated October 29, 2018, from the Ho Chi Minh City Tax Department; Adjusted Notification of Land Rental Payment No. 13209/TB-CT dated July 8th, 2019, from the Ho Chi Minh City Tax Department; Document No. 2835/CTTPHCM-QLD dated April 4th, 2022, from the Ho Chi Minh City Tax Department; Tax arrears notifications, penalties, and late tax payment notifications No. 306/TBCCT-TB&TK dated July 15th, 2019, from the Binh Tan District Tax Branch and Document No. 4927/CCTBT-TB&TK dated April 5th, 2022, from the Binh Tan District Tax Branch.

3. Obligations for the Ho Chi Minh City Tax Department and Binh Tan District Tax Branch:

3.1. The Ho Chi Minh City Tax Department must issue a Notification of Land Rental Payment for:

(1) The area of 457,806.8 m² leased by Tan Tao Investment and Industry Corporation before January 1st, 2006;

(2) The area of 348,372.8 m² leased by Tan Tao Investment and Industry Corporation from January 1st, 2006, to before July 1st, 2014, in accordance with the law.

3.2. The Binh Tan District Tax Branch must issue notifications of tax arrears, penalties, and late payment of taxes for Tan Tao Investment and Industry Corporation in accordance with the law.

4. Rejection of Certain Claims: The court does not accept part of the plaintiff's claims from Tan Tao Investment and Industry Corporation regarding the annulment of the following administrative decisions: Decision No. 1407/QĐ-CCT dated August 5th, 2019, from the Manager of the Binh Tan District Tax Branch regarding the enforcement of administrative tax decisions by deducting funds from the bank account of Tan Tao Investment and Industry Corporation; Decision No. 1408/QĐ-CCT dated August 5th, 2019, from the Manager of the Binh Tan District Tax Branch regarding the enforcement of administrative tax decisions by deducting funds from the bank account of Tan Tao Investment and Industry Corporation; Decision No. 1409/QĐ-CCT dated August 5th, 2019, from the Manager of the Binh Tan District Tax Branch regarding the enforcement of administrative tax decisions by deducting funds from the bank account of Tan Tao Investment and Industry Corporation."

Based on the issuance of Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, by the Ho Chi Minh City Tax Department:

In the appellate judgment, the court held that the application of legislative documents as a basis for calculating the percentage (%) for late payment (in Section 3.1

from pages 28 to 31 of the appellate judgment) serves as the basis for the Ho Chi Minh City Tax Department to issue the notification for land rental payment.

The Ho Chi Minh City Tax Department recognizes that the above appellate judgment from the High-Level People's Court in Ho Chi Minh City is immediately effective. Based on the data and case records, as well as the determinations made in the judgment, the Ho Chi Minh City Tax Department has reissued Notification of Land Rental Payment No. 24096/TB-CTTPHCM dated October 18th, 2023, notifying the recalculation of late payment based on the applicable rate for the period before March 1st, 2011 (the effective date of Decree No. 121/2010/NĐ-CP dated December 30th, 2010), applying a rate of 0.02% per day as stipulated in Clause 1, Article 22 of Decree No. 142/2005/NĐ-CP dated November 14th, 2005, concerning land rental payment and water surface leasing (not accepting the 0.5% daily late payment rate according to the Tax Administration Law effective from July 1st, 2007). This approach does not alter the amount of back taxes from the previous notification and is in accordance with the appellate judgment and the first-instance judgment issued.

Tan Tao Investment and Industry Corporation has not complied with the appellate judgment and has continued to submit a lawsuit on January 1st, 2024.

The Ho Chi Minh City Tax Department notes that for matters such as determining location and area for issuing the land rental notification, and deducting compensation for site clearance from the land rent—according to the contents raised by Tan Tao Investment and Industry Corporation in its lawsuit dated January 1st, 2024 (ITACO)—after the appellate judgment, these have been analyzed and determined by the High-level People's Court in Ho Chi Minh City, and addressed in Notification No. 24096/TB-CTTPHCM dated October 18th, 2023:

The land rental payment will be retroactively charged based on the information transfer document from the Department of Natural Resources and Environment regarding changes to property information when the company completes the adjustment of planning to establish the basis for determining the area in the land leasing decisions and re-signs the amended land lease annex with updated area and land user information (under Clause 2, Article 25 of Decree No. 46/2014/NĐ-CP dated May 15th, 2014, of the Government regulates the collection of land rental fees and water surface rental fees).

During the period awaiting resolution, the complainant must pay the land and water surface rental fee in full and on time as notified by the competent state authority (according to Article 27 of Decree No. 46/2014/ND-CP dated May 15th, 2014, of the Government regulates the collection of land rental fees and water surface rental fees).

The Defendant the Manager of Ho Chi Minh City commune-level Tax Office No. 9 of Ho Chi Minh City, presents the following:

Financial Obligations for Rent of Tan Tao Investment and Industry Corporation:

Based on Notification No. 13209/TB-CT dated July 8th, 2019, which adjusts Notification No. 16820/TB-CT dated October 29th, 2018.

As recorded, the status of the national budget revenue from land rental (Sub-item 3605) up to November 30th, 2018, indicates that the Company has paid a total of 2,212,981,461 VND, specifically as follows:

- Payment of 500,000,000 VND as per receipt HCM3422186798388 dated November 30th, 2018.

- Payment of 1,111,448,413 VND as per receipt HCM3422186798406 dated November 30th, 2018.

- Payment of 601,533,048 VND as per receipt HCM3422186798441 dated November 30th, 2018.

The Binh Tan District Tax Branch issued Notification No. 306/TB-CCT TB&TK dated July 15th, 2019, which indicated the tax arrears and late payments of the Company as of June 30th, 2019, totaling 101,928,808,384 VND, detailed as follows:

- Tax Arrears (Land Rent): 79,686,441,665 VND.

- Accrued Late Payment as of June 30th, 2019: 22,242,366,719 VND.

Due to disagreement with the amounts in the notifications, the company filed Administrative Lawsuit No. 258/2019/TLST-HC on September 9th, 2019, regarding the "Lawsuit against the administrative decision on land rental payments, tax arrears, penalties, and late payment, and the enforcement of administrative tax decisions."

Based on First-instance Judgment No. 822/2022/HC-ST dated June 10th, 2022, from the Ho Chi Minh City People's Court regarding: "Lawsuit against administrative decisions on land rental payments, tax arrears, penalties, and late payment of taxes, and enforcement of administrative tax decisions";

And based on Appellate Judgment No. 592/2023/HC-PT dated July 26th, 2023, from the High-Level People's Court in Ho Chi Minh City regarding: "Lawsuit against administrative decisions on land rental payments, tax arrears, penalties, and late payment of taxes, and enforcement of administrative tax decisions";

And based on Land Lease Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Ho Chi Minh City Tax Department;

And based on Notification of Land Use Payment No. 3208/TB-CT-QLD dated June 6th, 2013, from the Ho Chi Minh City Tax Department and the status of tax revenue from Tan Tao Investment and Industry Corporation;

According to legal provisions and the aforementioned bases, the Binh Tan District Tax Branch determines the outstanding taxes and accrued late payment

(including both late land rental payments and land use payments) as stated in Tax Notification No. 648/TB07-CCT dated November 8th, 2023.

Therefore, the Binh Tan District Tax Branch requires Tan Tao Investment and Industry Corporation to immediately make the land rental payment and the associated late payment amounts (both land rental and land use payments) to the state budget as notified by the Binh Tan District Tax Branch. If Tan Tao Investment and Industry Corporation delays in paying the taxes, the tax authority shall implement tax enforcement measures as per the regulations of the Tax Administration Law and accompanying guidelines.

During the period awaiting resolution, the complainant must timely and fully pay the land and water surface rental fees as notified by the competent state authority (according to Article 27 of Decree No. 46/2014/NĐ-CP dated May 15th, 2014, of the Government regulates the collection of land rental fees and water surface rental fees).

The Team Leader of Customs at the High-Tech Zone stated:

The Investment Goods Customs Branch is tasked with coordinating with the Ho Chi Minh City Tax Department to enforce administrative tax decisions as provided in Article 131 of the Tax Administration Law No. 38/2019/QH14 and Article 33 of Decree No. 126/2020/NĐ-CP dated October 19th, 2020, from the government.

Following the request from the Ho Chi Minh City Tax Department in Official Letter No. 3972/CTTPHCM-QLN dated April 22nd, 2024, the Investment Goods Customs Branch has implemented enforcement measures for the administrative tax decision by suspending customs procedures for the imported and exported goods of Tan Tao Investment and Industry Corporation, as stated in Decision No. 618/QĐ-ĐT dated May 2nd, 2024, from the Investment Goods Customs Branch.

Regarding this matter, Tan Tao Investment and Industry Corporation also submitted Official Letter No. 187/CV-ITACO 24 dated May 8th, 2024, to the Tax Branch, which responded with Official Letter No. 1148/ĐT-ĐQLT dated May 13th, 2024.

The coordination to enforce or terminate the enforcement measures by the Investment Goods Customs Branch is carried out in accordance with the provisions of the Tax Administration Law and Decree No. 126/2020/NĐ-CP.

Comments from Persons with related rights and obligations, the Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City:

The Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City has no opinion on the claims filed by Tan Tao Investment and Industry Corporation, as it is not related to the functions, tasks, or authority of the Management Board. The Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City requests the court to resolve the case in accordance with regulations.

In First-Instance Administrative Judgment No. 282/2025/HC-ST dated July 18, 2025, the People's Court of Ho Chi Minh City ruled as follows:

1. The court does not accept the entire claim of Tan Tao Investment and Industry Corporation:

Dismisses the request to annul Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, from the Manager of Ho Chi Minh City Tax Office regarding land rental payment for water surface; Dismisses Tax Arrears Notification No. 648/TB07-CCT dated November 8th, 2023, from the Manager of the Binh Tan District Tax Branch; Dismisses Decision No. 1334/QĐ-CCTKV02 dated May 6th, 2025, from the Manager of the Area II Tax Branch; Dismisses Tax Arrears Notification No. 112644/TB-CCTKV02-KĐT dated June 13th, 2025, from the Manager of the Area II Tax Branch.

2. The court suspends the requests to review Decision No. 821/QĐ-CT-CC dated May 6th, 2024, from the Manager of Ho Chi Minh City Tax Office regarding the enforcement of administrative tax decisions by suspending the use of invoices and Decision No. 618/QĐ-ĐT dated May 2nd, 2024, from the Manager of the Investment Goods Customs Branch regarding the enforcement of administrative tax decisions by halting customs procedures for imported and exported goods.

In addition, the first-instance judgment also ruled on court fees and the right to appeal in accordance with the provisions of law.

Following the first-instance trial, on July 24th, 2025, the plaintiff, Tan Tao Investment and Industry Corporation, appealed the first-instance judgment.

At the appellate court:

The plaintiff, Tan Tao Investment and Industry Corporation (represented by Ms. Bui Thi Phuong as the authorized representative), maintained its appeal requests, petitioning the Trial Panel to amend the first-instance judgment and accept the lawsuit claims. The defendant requested a trial in absentia.

During the arguments:

The legal defender of the plaintiff stated:

- Regarding procedural matters: Petitioning the Trial Panel to review whether the defendant should be the Manager of Ho Chi Minh City Tax Office or the Ho Chi Minh City Tax Department itself. According to the regulations on management assignment, functions, tasks, and powers, the authority to issue notifications belongs to the organization, whereas in this case, it was identified as an individual. Additionally, in this lawsuit, there are multiple matters that require the participation of the Ho Chi Minh City Department of Natural Resources and Environment at the court session; however, the absence of the Department of Natural Resources and Environment does not ensure proper adjudication. The issued notifications lacked a legal basis.

- Regarding substantive matters: The first-instance judgment failed to correctly assess the nature of the document issued by the Ho Chi Minh City Department of Natural Resources and Environment, as this document does not possess the value to replace Joint Circular No. 88/2016/TTLT/BTC-BTNMT. Both documents are merely advisory in nature, do not function as a replacement, and do not constitute a legal basis for issuing land rent payment notices. The content of Document No. 8085/STNMT-QLD from the Ho Chi Minh City Department of Natural Resources and Environment is contrary to legal regulations and constitutes an incorrect application of law.

- The Tax Department incorrectly calculated the amount of tax payable. Tan Tao Corporation does not incur a one-time tax payment obligation for the entire industrial park. The land rental fees as determined by the Ho Chi Minh City Department of Natural Resources and Environment are calculated per land lot and cannot be calculated based on each land area of the industrial park. The tax payment notice was issued before the site clearance and compensation were completed. The Tax Department failed to provide written guidance to Tan Tao Corporation on deducting site clearance costs when calculating taxes. Furthermore, the first-instance judgment applied an expired legal document, as Decree No. 46/2014/NĐ-CP expired in August 2024.

In addition, there is currently a decision to protest from the Supreme People's Court against the Appellate Administrative Judgment No. 592/2023/HC-PT dated July 26th, 2023, of the High-Level People's Court in Ho Chi Minh City, which affects the grounds upon which the defendant issued the contested administrative decisions. Therefore, the Trial Panel is requested to annul the first-instance judgment to re-resolve the case due to procedural violations and the failure to objectively review the documents and evidence in the case file.

The legal defender of the defendant stated: The defendant maintained the arguments presented during the resolution process of the case and requested to supplement the following content: The tax authority had provided a written response to the company regarding the deduction of compensation, clarifying that this amount cannot be deducted from land rental fees under the provisions of Decree No. 197/2004/NĐ-CP. The compensation plan prepared by the company was based on Decree No. 22/1998/NĐ-CP, but the compensation must be implemented in accordance with Decree No. 197/2004/NĐ-CP to be eligible for deduction.

The representative of the Procuracy conducting appellate adjudication supervision in Ho Chi Minh City attending the court session expressed opinions on the resolution of the case:

- Regarding procedural matters: The appellate court fully executed the procedures in compliance with the Law on Administrative Procedures.

- Regarding substantive matters: Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, was issued by the Manager of Ho Chi Minh City Tax Office, but

pursuant to Decree No. 46/2014/NĐ-CP, the authority to issue tax notifications belongs to the tax agency. The first-instance court identified the defendant as the Director of the Manager of Ho Chi Minh City Tax Office and the Manager of Ho Chi Minh City commune-level Tax Office No. 9 as contrary to legal regulations.

Notification No. 24096/TB-CTTPHCM determined that the land area subject to a one-time land rental payment was 348,372.8 m². According to the presentation by Tan Tao Corporation, in 2021 and 2022, two businesses liquidated their land lease agreements with the company—covering a total area of over 14,000 m²—and transitioned from a one-time rental payment structure to an annual payment structure. However, the tax authority has not updated this area. The tax authority sent two documents to the Ho Chi Minh City Department of Natural Resources and Environment regarding this matter, but no written response had been received at the time of adjudication.

The tax authority identified the location for calculating land rent as being on the water surface; however, the Manager of Ho Chi Minh City Tax Office issued Notification No. 24096/TB-CTTPHCM based on a document that existed prior to Tan Tao Corporation re-signing the contracts for the two land lots. Therefore, Notification No. 24096/TB-CTTPHCM lacks a solid foundation.

Since the first-instance court committed procedural violations and failed to collect sufficient evidence, the Trial Panel is requested to annul the first-instance judgment and transfer the case file to the first-instance court for a re-resolution of the case.

JUDGMENT OF THE COURT

After reviewing the documents and evidence in the case file publicly examined at the court session, and based on the results of the arguments at the court session, the Trial Panel finds that:

[1] At the appellate court session, the defendant and the persons with related rights and obligations were absent, having submitted applications for trial in absentia or having been legally summoned. Pursuant to Article 225 of the Law on Administrative Procedures, the Trial Panel proceeds to try the case.

[2] On October 18th, 2023, the Ho Chi Minh City Tax Department issued Payment Notice No. 24096/TB-CTTPHCM regarding the one-time land rent and water surface lease payment for the entire lease term, designating the taxpayer as Tan Tao Investment and Industry Corporation. The amount payable applies to a land area of 348,372.8 m² subleased from January 1st, 2006, to before July 1st, 2014, for which a one-time land rental fee had been collected for the entire lease term.

Tan Tao Corporation argues that Payment Notice No. 24096/TB-CTTPHCM was issued contrary to legal regulations because:

- Currently, the area of subleased land under the one-time payment structure for lease agreements signed from January 1st, 2006, to before July 1st, 2014, has decreased to 333,663.7 m². This reduction in the one-time payment land lease area was reported in writing by Tan Tao Corporation to the Tax Department, Department of Finance, Department of Natural Resources and Environment, the City Land Registration Office, and the Management Board of Export Processing Zones and Industrial Parks in Ho Chi Minh City;

- Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, identifying 127 land lots of Tan Tao Corporation as fronting Tran Dai Nghia Street is inconsistent with reality;

- Tan Tao Corporation submitted a document to the Ho Chi Minh City Department of Finance to process the procedures for determining land-related financial obligations, including the content of deducting site clearance and compensation costs from land rent, but the Ho Chi Minh City Tax Department still issued the land rent payment notice.

Because Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, is inconsistent with legal regulations, the following subsequent documents and decisions arising from it are also incorrect: Notification No. 648/TB07-CCT dated November 8th, 2023, of the Binh Tan District Tax Branch (now Tax Branch 9 of Ho Chi Minh City); Decision No. 821/QĐ-CT-CC dated May 6th, 2024, of the Director of the City Tax Department and Decision No. 618/QĐ-ĐT dated May 2nd, 2024, of the Investment Goods Customs Branch regarding the enforcement of administrative decisions on tax management; Decision No. 1334/QĐ-CCTKV02 dated May 6th, 2025, of the Manager of the Area II Tax Branch; and Tax Arrears Notification No. 112644/TB-CCTKV02-KĐT dated June 13th, 2025, of the Manager of the Area II Tax Branch. Therefore, Tan Tao Corporation filed a lawsuit requesting the annulment of the aforementioned notifications and decisions.

The defendant contends that the contested administrative decisions were issued in accordance with legal regulations and therefore disagrees with the lawsuit claims.

[3] The appellate Trial Panel finds that:

[3.1] Regarding procedural matters: Payment Notice No. 24096/TB-CTTPHCM dated October 18th, 2023, was issued by the Ho Chi Minh City Tax Department. Pursuant to Clause 9, Article 3 of the Law on Administrative Procedures, the defendant must be the Ho Chi Minh City Tax Department (now the Ho Chi Minh City Tax Department). The first-instance court incorrectly identified the defendant as the Manager of Ho Chi Minh City Tax Office . Furthermore, during the resolution of the case, the first-instance court failed to bring the Ho Chi Minh City Tax Department into the proceedings as a participant, an error that the appellate court cannot remedy.

[3.2] Regarding substantive matters:

During the resolution of the case, the litigants presented that the Ho Chi Minh City Tax Department issued Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, regarding the one-time land rent and water surface lease payment for the entire lease term with the taxpayer being Tan Tao Investment and Industry Corporation, and the amount payable for the land area of 348,372.8 m² subleased from January 1st, 2006, to before July 1st, 2014, was executed in enforcement of Appellate Administrative Judgment No. 592/2023/HC-PT dated July 26th, 2023, of the High-Level People's Court in Ho Chi Minh City, with the following content: "...Compelling the Ho Chi Minh City Tax Department and the Binh Tan District Tax Branch, Ho Chi Minh City to perform their tasks and official duties in accordance with the provisions of law, specifically:

3.1. The Ho Chi Minh City Tax Department shall issue a Land Rent Payment Notice for: (1) The land area of 457,806.8 m² subleased by Tan Tao Investment and Industry Corporation prior to January 1st, 2006; (2) The land area of 348,372.8 m² subleased by Tan Tao Investment and Industry Corporation from January 1st, 2006, to before July 1st, 2014, in strict compliance with legal regulations;

3.2. The Binh Tan District Tax Branch, Ho Chi Minh City shall issue notifications of tax arrears, penalties, and late payment of taxes to Tan Tao Investment and Industry Corporation in strict compliance with legal regulations."

During the appellate stage of resolution, on March 5th, 2026, the Chief Justice of the Supreme People's Court issued Protest Decision No. 19/2026/KN-HC against the Appellate Administrative Judgment No. 592/2023/HC-PT dated July 26th, 2023, of the High-Level People's Court in Ho Chi Minh City, requesting the annulment of the appellate judgment and the transfer of the case file to the appellate court for a retrial of the case.

Considering that the outcome of the cassation review regarding the aforementioned protest decision directly affects the determination of the legality of the basis for issuing Notification No. 24096/TB-CTTPHCM dated October 18th, 2023, and other administrative decisions related to the contested administrative decisions in this case, resolving this case at the appellate level would fail to ensure compliance with legal regulations and could cause conflicts between judgments. Therefore, the Trial Panel annuls the first-instance judgment to re-resolve the case. Simultaneously, upon accepting the case for re-resolution, the first-instance court must base its findings on the outcome of the aforementioned cassation review and properly redefine the defendant in accordance with legal regulations.

[4] From the above findings, the Trial Panel considers: Although the first-instance court committed a procedural error by incorrectly identifying the defendant, during the litigation process, the Manager of Ho Chi Minh City Tax Office (the legal representative of the Ho Chi Minh City Tax Department) provided written opinions and appointed a legal defender to participate in the proceedings; thus, this error did not alter

the nature of the matter. However, according to the content stated in section [3.2], a new objective circumstance has arisen at the appellate level that affects the resolution of the case. Consequently, the Trial Panel accepts the position of the representative of the Procuracy conducting appellate adjudication supervision in Ho Chi Minh City attending the court session; partially accepts the appeal requests of the plaintiff; and annuls the first-instance judgment, transferring the case file back to the first-instance court for re-resolution in accordance with the law.

[5] Appellate administrative court fees: Due to the annulment of the first-instance judgment, the appellant is not liable for court fees.

For the prominent reasons,

DECISION

Pursuant to Clause 3, Article 241 of the Law on Administrative Procedures;

Partially accept the appeal requests of the plaintiff, Tan Tao Investment and Industry Corporation;

1. Annul the First-Instance Judgment No. 282/2025/HC-ST dated July 18th, 2025, of the People's Court of Ho Chi Minh City; Transfer the case file to the first-instance court for re-resolution of the case in accordance with legal regulations.

2. Appellate administrative court fees: Tan Tao Investment and Industry Corporation is not liable; Refund to the litigant the amount of 300,000 VND (Three hundred thousand Vietnamese Dong) paid as an advance on court fees under Receipt No. 0008354 dated August 8th, 2025, of the Ho Chi Minh City Civil Judgment Enforcement Agency.

The appellate judgment takes legal effect from the date of its pronouncement./.

Recipients:
- The Supreme People's Court;
- The Procuracy conducting appellate adjudication supervision in Ho Chi Minh City;
- The People's Court of Ho Chi Minh City;
- The People's Procuracy of Ho Chi Minh City;
- The Civil Judgment Enforcement Agency of Ho Chi Minh City;
- The Plaintiff (1);
- The Defendant (3);
- The Persons with related rights and obligations (4);
- Archived (10) 23b (AnTTKY).

ON BEHALF OF" THE APPELLATE TRIAL PANEL
PRESIDING JUDGE OFFICER OF THE COURT SESSION

(Signed and Sealed)

Pham Thi Duyen

TAN TAO INVESTMENT AND INDUSTRY CORPORATION
INCOMING DOCUMENT
No.: ..., arrived on May 20th, 2026