

Connection

Lalit Bajaj & Associates

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“Professionalism is not about adherence to the policies of a bureaucracy. Professionalism is about having the integrity, honesty, and sincere regard for the personhood of the customer, in the context of always doing what is best for the business. Those two things do not need to be in conflict.”

~ Eric Lippert



May 2016

Just to remind you

- **May 15 - TDS Return for March Quarter**
- **May 15 - e-Payment of PF for April**
- **May 21 - Payment of MVAT & WCT for April**
- **May 30 - Issue of TDS/TCS Certificates for all quarters**
- **May 31 - Payment and monthly return of Maharashtra PT**

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Communiqué

Dear Seniors, Friends & Colleagues

In this period of transformation we are experiencing whole lot changes in processes, presentations, etc. to get wired with all this changes we need lots of updates to be available at a tip of berg.

There are some indicators of economic improvement all across the world and this means we have a lot of positive scope as professionals to cater to the needs of stakeholders.

Our role as professionals has surpassed the accounting and auditing horizons and has entered in every sphere of business, whether it be Commercials, Structuring, Business enabling etc and we are looked as the most reliable business partners to strengthen the business from all aspects.

Non-performing assets (NPA) are one of the biggest challenges faced by the global banking system and, particularly, Indian banks. The extent of the challenge for nationalized banks is that non-action is no longer an option. The alarming level of NPAs unfolded and equally important conscious approach by RBI would require our services as forensic auditors

The Panama Paper' Leak is one of the biggest leaks in journalistic history reveals the secretive offshore companies used to hide wealth, evade taxes and commit fraud by the world's dictators, business tycoons and criminals. Cleaning up tax havens will not end graft. The prime responsibility for this lies with national governments, many of which should do more to make their finances transparent and their safeguards against cronyism stringent. Hence co-ordinated global efforts are required to crack down on corporate anonymity and to stop the middlemen who make it so easy for crooks to launder their loot.

By the time you will be reading this, you must already be celebrating Spring and May Day. Let me congratulate all of you on that, which is celebrated on 1st May every year by many nations to honour labour, and by many others to welcome the Spring season that brings bright sun and happy sky to us. Many of us must have made plans for beating the sweltering summer heat by going on vacations during the holidays announced by schools and colleges. It is indeed a good opportunity to spend quality time with the family and loved ones.

Seasons change for good of all. Likewise, we too should keep changing in tune with times for the good of our society and nation at large. In fact, I would like you to be 'persons of all seasons' and 'leaders of change'. Let's imbibe the spirit of a professionally relevant saying: *A leader is one who knows the way, goes the way, and shows the way.*

Best Wishes,

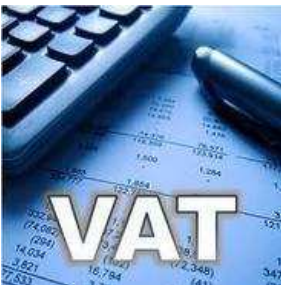


CA Lalit Bajaj





“The benefit can be availed by applicants who desire to settle the arrears in dispute in respect of statutory orders passed for any period ending on or before 31st March 2012”



Maharashtra Settlement of Arrears in Disputes Act, 2016

Hon'ble Finance Minister in his Budget Speech delivered on 18th March 2016 has announced a scheme so as to unlock the arrears pending at the appellate forum under various Acts administered by the Maharashtra Sales Tax Department (hereinafter referred to as "MSTD"). The Act No. XVI of 2016 has now been published in the Maharashtra Government Gazette dated 26th of April, 2016. The Act so passed is titled as 'the Maharashtra Settlement of Arrears in Disputes Acts, 2016 (hereinafter referred to as "the Settlement Act). The Settlement Act is passed with a view to provide the settlement of arrears in dispute under various Acts administered by IVISTD.

Salient features of the Settlement Act and its procedural aspects are explained below:-

Time limit to make application-

The applicant who desires to settle the arrears in dispute in respect of the statutory orders passed for any period ending on or before 31st March 2012 shall submit correct and complete application on or before 30th September 2016, in Form-I, as specified in the order dated by the Commissioner u/ s 12(2) of the Settlement Act.

Authorities to whom the application can be made:-

(A) The application along with the relevant documents shall be submitted to the concerned Nodal officer.

(B) If any case is not allotted to a Nodal Officer, then the application shall be made to,-

- the Nodal Joint Commissioner of Sales Tax in Mumbai Pune,
- the Joint Commissioner of Sales Tax (VAT Adm) where the office of such Joint Commissioner of Sales Tax (VAT Adm) is situated,
- In other cases to the administrative head of the respective location.

(C) The applicant who desires to avail the settlement under this Act for arrears under the Profession Tax Act, 1975, shall apply to the concerned Professions Tax Officer.

(D) The list of the Nodal Officers and their jurisdiction is available on the MSTD web-site's What's New section (Web-site: www.mahavat.gov.in).

Key definitions used in the Act:-

Some of the key definitions in Section 2 under this Act are explained below:

(a) *Arrears in Dispute* [Sec.2(2)]: Arrears in dispute includes tax, interest and penalty in respect of any statutory order that pertains to period ending on or before 31st March 2012 and

where an appeal is filed with the appellate authority and stay has been granted either in full or part by the appellate authority, Tribunal or Court.

It is clarified that the following proceedings shall be considered as "Appeals":-

- 1st Appeal
- 2nd Appeal
- Revision under the Bombay Sales of Motor Spirit Taxation Act, 1958, the Maharashtra Purchase Tax on Sugarcane Act, 1962 and the Maharashtra State Tax on Professions, Trades, Callings and Employment Act, 1975.
- Any proceeding before the Tribunal, High Court or Supreme Court.

(b) Applicant [Sec.2(3)]; "Applicant" means a person who desires to settle the arrears in dispute and also includes any other desiring person complying with the conditions. Thus even the Financial Institutions, Banks, Official Assignee etc. can make application for settlement of arrears in dispute.

(c) Order of Settlement pec.2(4) 1: "Order of Settlement" means an order issued to settle the arrears in disputes.

(d) Designated Authority [Sec.2 (6)]: The authorities specified under sub-section (2) of section 10 of the Maharashtra Value Added Tax Act, 2002 shall be the Designated Authorities for the purposes of Settlement Act.

(e) Requisite Amount [Sec.2(8)]: "Requisite amount" means an

amount required to be paid as specified under Section 6 of this Act.

(f) Statutory Order [Sec.2(9)]: "Statutory order" means any order passed under the relevant Act raising dues of tax, interest or penalty payable by applicant.

Conditions for Settlement of Arrears in disputes :

(A) An application shall be made on or before the 30th September 2016.

(B) Application for settlement can be made for any period ending on or before 31st March 2012.

(C) The applicant who desires to avail the benefit under the Settlement Act, shall first withdraw the appeal, or any proceeding pending before the appellate authority, Tribunal or Court. (D) The application shall be accompanied by:

- copy of the concerned statutory order,
- stay order granted by the Appellate Authority, Tribunal or Court,
- order of withdrawal of the appeal or any proceeding pending before the Tribunal or Court,
- challans showing payment of the requisite amount as stated in the section 6(1) or 6(2) of the Settlement Act,
- challans showing payment of the amount of undis-

puted arrears in respect of the concerned statutory order, as per section 4(4).

Benefits of the Settlement Act to the applicant:

(A) Interest and penalty: If an applicant has preferred an appeal challenging the imposition of penalty or payability of interest only under the relevant Act, then he can make application with respect to such individual appeal.

(B) Penalty orders under section 61(2) of MVAT Act: If penalty has been imposed by a separate order u/s 61(2) under MVAT Act, 2002 for any period upto 2011-12 and the dealer has filed the audit report in Form e-704 and also preferred an appeal against the said penalty order, even then he may apply for settlement under the Act.

However, if any dealer has not filed e-704 so far may file it and take benefit of settlement, after complying with other condition, of this Act such as filing of appeal and obtaining stay etc.

(C) Extent of waiver:-

(a) Where the appeal is withdrawn in full:-

(i) in respect of the statutory order which pertains to period ending on or before 31st March 2005 is withdrawn in full and the applicant has made the payment as determined as per sub-section(1) and (2) of section 6 then the applicant is eligible for waiver to the extent of,-

(1) total amount of interest and penalty out of arrears in dispute.

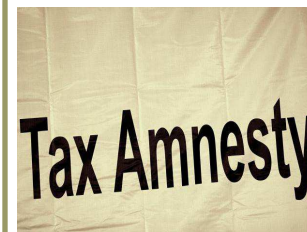
(2) total amount of post assessment interest or, as the case may be, the penalty, whether such order under the relevant Act has been passed or not.

(ii) in respect of the statutory order which pertains to period starting on or after 18th April 2005 and ending on 31st March 2012 is withdrawn in full and the applicant has made the payment as determined as per sub-section(1) and (2) of section 6 then the applicant is eligible for waiver to the extent of,-

- balance amount of interest arrived at, after payment of requisite amount of interest or as the case may be undisputed arrears of interest.
- total amount of penalty out of arrears in dispute.
- total amount of post assessment interest or, as the case may be the penalty, whether such order under the relevant Act has been passed or not.

(b) Where the appeal is withdrawn with respect to partial issues:-

(i) in respect of the assessment order which pertains to period ending on or before 31st March 2005 is withdrawn with respect to some of the issues (in part) and the applicant has made the payment as determined as per sub-section(1) and (2) of sec-





“The applicant shall file application in the Form-I, as specified in the order by the Commissioner u/s 12(2) of the Settlement Act.”

**TAX AMNESTY
NOW'S
THE TIME**

tion 6 then the applicant is eligible for waiver to the extent of, -

- corresponding amount of interest with respect to issues withdrawn.
- corresponding amount of penalty with respect to issues withdrawn.
- corresponding amount of post assessment interest or, as the case may be penalty with respect to issues withdrawn, whether such order under the relevant Act has been passed or not.

(ii) in respect of the assessment order which pertains to period starting on or after 1st April 2005 and ending on 31st March 2012 is withdrawn with respect to some of the issues and the applicant has made the payment as determined as per sub-section (1) and (2) of section 6 then the applicant is eligible for waiver to the extent of,-

- balance amount of corresponding interest arrived at, after payment of requisite amount of interest or as the case may be undisputed arrears of interest with respect to issues withdrawn.
- total amount of penalty with respect to issues withdrawn.
- total amount of post assessment interest or, as the case may be, the penalty, whether such order

under the relevant Act has been passed or not.

Procedural aspects to be followed under the Settlement Act:

(i) The applicant shall file application in the Form-I, as specified in the order by the Commissioner u/s 12(2) of the Settlement Act.

(ii) On receipt of the application the designated officer shall verify the contents of the said application as well as requisite proofs as stated in clause (D) of para 5 above.

(iii) If the application is defective i.e. incomplete or incorrect or insufficient amount, the Nodal Officer may within seven days from the receipt of application issue a defect notice in Form-II as specified in the order by the Commissioner u/s 12(2) of the Settlement Act.

(iv) The applicant may, within fifteen days, from the receipt of the defect notice complies with the defect notice and makes the payment if any, as advised by the Nodal officer.

(v) If the applicant complies with the defect notice then the Nodal officer shall pass the settlement order within thirty days from the date of compliance of the defects.

(vi) If the applicant fails to comply with the defects then the Nodal Officer, after providing the opportunity of hearing, may pass the rejection order u/s 7 (1) of this Act within thirty days from the last date provided for

compliance of the defects.

(vii) If the defect is related to short payment of requisite amount and the applicant fails to comply with the same, then the benefit of settlement shall be given on proportionate basis and accordingly the Nodal Officer shall pass the order of settlement within thirty days from the last date provided for compliance of defects.

Order of Settlement:-

(i) The Nodal Officer, on being satisfied about the correctness of application and fulfillment of conditions for waiver provided in the Settlement Act, shall pass an order of settlement within thirty days from the date of receipt of application. The order of settlement shall be in Form-IV, as specified in the order by the Commissioner u/s 12(2) of the Settlement Act.

(ii) The settlement order shall clearly specify the payment of amount of the tax or interest if any, and the amount of waiver granted towards the interest and penalty.

(iii) A separate order under the relevant Act shall be passed in respect of each application filed for the settlement of arrears in dispute.

Rectification of mistakes:-

In case of any error apparent on the face of the record of an order passed under Section 7 (2) of the Settlement Act, the Nodal Officer, on his own motion or on an application in

Form-V1 by the applicant, may rectify such error. The Nodal Officer shall pass rectification order within thirty days from the date of receipt of the order of settlement. No rectification order shall be passed without serving a notice in Form-V on the applicant and without giving an opportunity of being heard in case the applicant is likely to be affected adversely.

Appeal against the order of rejection:-

(i) Section 8 of the Settlement Act provides for appeal against an order passed under Section 7(1) of the Settlement Act. The said appeal shall lie before,-

- the Deputy Commissioner of Sales Tax if the order of the Settlement is passed by the Sales Tax Officer or the Assistant Commissioner of Sales Tax.

(ii) the Additional Commissioner of Sales Tax, if the order of the Settlement is passed by the Deputy Commissioner of Sales Tax or as the case may be Joint

Commissioner of Sales Tax.

(ii) Appeal against an order passed under section 7(1) of the Settlement Act shall be filed under Section 8(1) within sixty days from the date of receipt of the said order in Form-III. The appellate authority shall pass the order within sixty days from the receipt of application of appeal.

(iii) As per Section 8(3) of the Settlement Act, an appeal can be filed only against the rejection order under Section 7(1) of the Act.

(iv) No appeal shall lie against the order of settlement passed under Section 7(2) of the Settlement Act.

Revocation of settlement order :-

An order of settlement may be revoked where an applicant has obtained benefits of settlement,-

- by suppressing material information or particulars, or,

- by furnishing any incorrect or false information or, (c) by suppression of material facts, concealment of any particulars found in the search and seizure proceedings under the relevant Act.

Review:-

Section 11 of the Settlement Act provides for the review of any order passed under the Settlement Act. The record of an order may be called within twelve months from the date of service of an order passed under the Act by the reviewing authority and after notice of error in such order a notice in Form-VIII shall be served on the dealer and a review order shall be passed. The review order shall be passed only in case the error is prejudicial to the interests of revenue.



“No appeal shall lie against the order of settlement passed under Section 7(2) of the Settlement Act.”

Maharashtra Profession Tax Enrolment Amnesty Scheme 2016

The Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Profession Tax Act) is being implemented with effect from 1st April 1975. Under this Act, every self-employed person engaged in any profession, trade, callings and employment in the State of Maharashtra is required to obtain Enrolment Certificate and pay Profession

Tax yearly as per provisions of the Act. Section 3(2) of the PT Act provides that liability to pay tax of an un-enrolled person shall be up to 8 years, preceding the year, in which he has applied for enrolment.

The Government has noticed that, many persons / societies / institutions / Companies have not obtained Enrolment Certifi-

cate and paid Profession Tax though they are liable to pay the same.

Accordingly, to encourage the persons to get themselves enrolled under Profession Tax Act, Government of Maharashtra has declared an Amnesty Scheme for the persons who have not obtained Enrolment Certificate yet. The salient fea-





“Profession Tax and related interest in respect of periods prior to 01/04/2013, will be waived in full, if Enrolment Certificate is obtained during the amnesty period”



tures of the scheme are as under.

A new sub-section (3) has been added in section 3 w.e.f. 1st April 2016, which provides that an un-enrolled person shall not be liable to pay tax for any periods prior to 1st April 2013, if :

- he makes an application for enrolment from 1st April 2016 to 30th September 2016, or
- his application for enrolment is pending on 1st April 2016.

Scheme

(i) Name of the Scheme :

This scheme is called as “**Profession Tax Enrolment Amnesty Scheme 2016**”.

(ii) “Persons” eligible for Amnesty Scheme:

All persons, who are liable but not yet enrolled under this Act can take benefit of this Scheme.

(iii) Benefits under the Scheme:

- Profession Tax and related interest in respect of periods prior to 01/04/2013, will be waived in full, if Enrolment Certificate is obtained during the amnesty period.
- Penalty u/s 5(5) of Profession Tax Act, 1975 will not be imposed against the entities who obtain enrolment certificate under this scheme.

Procedure:

a) Un-enrolled persons are required to submit e-application on Department’s web-site www.mahavat.gov.in by choosing option “e-registration” in the box “e-services”.

a) The Enrolment Certificate TIN will be granted within 3 working days to the applicant. TIN can be checked on department’s web-site by clicking “Know Your TIN” TAB at the bottom of the Home screen or option provided with same name in “Dealer Services” TAB. It is suggested to enter only PAN at the space provided for. Digitally signed

certificate can be downloaded by clicking “PT-EC Registration Certificate” option in “Downloads” IAB.

b) On obtaining Enrolment TIN applicant shall make payment of tax.

c) In case of any difficulty, the applicant in Mumbai and Pune may contact the administrative Joint Commissioner of Sales Tax (Profession Tax) and the applicant in locations other than Mumbai and Pune may contact the Joint Commissioner of Sales Tax (ADM) VAT of the respective division.

5 After this Amnesty Scheme is over, stringent action will be taken against un-enrolled persons. A campaign will be launched against un-enrolled persons who may be liable for previous eight years with consequent penalty and may also face prosecution.

Limitation on commencement for penalty proceedings u/s 271D & 271E

It has been brought to the notice of the Central Board of Direct Taxes (hereinafter referred to as the Board) that there are conflicting interpretations of various High Courts on the issue whether the limitation for imposition of penalty under sections 271D and 271E of the Income tax Act, 1961 (hereafter referred to as the Act) commences at the level of the As-

sessing Officer (below the rank of Joint Commissioner of Income Tax.) or at level of the Range authority i.e. the Joint Commissioner of Income Tax./ Addl. Commissioner of Income Tax.

Some High Courts have held that the limitation commences at the level of the authority competent to impose the penalty i.e.

Range Head while others have held that even though the Assessing Officer is not competent to impose the penalty, the limitation commences at the level of the Assessing Officer where the Assessing Officer has issued show cause notice or referred to the initiation of proceedings in assessment order.

On careful examination of the

matter, the Board is of the view that for the sake of clarity and uniformity, the conflict needs to be resolved by way of a "Departmental View".

The Hon'ble Kerala High Court in the case of Grihalaxmi Vision v. Addl. Commissioner of Income Tax, Range 1, Kozhikode (Available in NJRS 2015-LL-0807-4), vide its order dated 8.7.15 in ITA Nos. 83 & 86 of 2014, observed that, "Question to be considered is whether proceedings for levy of penalty, are initiated, with the passing of the order of assessment by the Assessing Officer or whether such proceedings have commenced with the issuance of the notice issued by the Joint Commissioner. From statutory provision, it is clear that the competent authority to levy penalty being the Joint Commissioner. Therefore, only the Joint Commissioner can initiate proceedings for levy of penalty. Such initiation of proceedings could not have been done by the Assessing Officer. The statement in the assessment order that the proceedings under

Section 271D and E are initiated is inconsequential. On the other hand, if the assessment order is taken as the initiation of penalty proceedings, such initiation is by an authority who is incompetent and the proceedings thereafter would be proceedings without jurisdiction. If that be so, the initiation of the penalty proceedings is only with the issuance of the notice issued by the Joint Commissioner to the assessee to which he has filed his reply."

The above judgment reflects the "Departmental View". Accordingly, the Assessing Officers (below the rank of Joint Commissioner of Income Tax.) may be advised to make a reference to the Range Head, regarding any violation of the provisions of section 269SS and section 269T of the Act, as the case may be, in the course of the assessment proceedings (or any other proceedings under the Act). The Assessing Officer, (below the rank of Joint Commissioner of Income Tax) shall not issue the notice in this regard. The Range Head will issue

the penalty notice and shall dispose/complete the proceedings within the limitation prescribed u/s 275(1)(c) of the Act.

Where any High Court decides this issue contrary to the "Departmental View", the "Departmental View" thereon shall not be operative in the area falling in the jurisdiction of the relevant High Court. However, the CCIT concerned should immediately bring the judgment to the notice of the Central Technical Committee. The CTC shall examine the said judgment on priority to decide as to whether filing of SLP to the Supreme Court will be adequate response for the time being or some legislative amendment is called for.



Verification of ITR through EVC pending due to non-filing of ITR-V

Under the earlier system of e-filing, in tax-returns which were to be filed electronically without a digital signature, taxpayer had to take printout of ITR-V Form and send it to Centralised Processing Centre ('CPC'), Bengaluru within 120 days of transmitting the data electronically. In view of difficulties being faced by the taxpayers in the process, from time to time, relaxation for filing

the ITR-V for various Assessment Years was granted so that process of filing the return could be completed. In law, consequences of non filing the ITR-V within the time allowed is significant as such a return is/can be declared Non-est in law and thereafter, all the consequences for Non-Filing a tax return, as specified in the Act follow.

However, inspite of granting relaxation of time for submitting ITR-V Form on various occasions, as mentioned in para above, it has been noticed that a large number of such electronically filed returns still remain pending with the income-tax Department for want of receipt of a valid ITR-V Form at CPC, Bengaluru from the taxpayers concerned.





“Verification process must be completed by 31.08.2016 in respect of AY 2009-10 to 2014-2015 ”



3. The matter has been examined. With introduction of Electronic Verification Code as one of the possible mode for filing the tax return from the last financial-year, the verification of tax return, especially in those cases where the taxpayer earlier had to compulsorily verify the return through submission of ITR-V , has become much more convenient. Therefore, in order to regularize the aforesaid returns which have either become Non-est or have remained pending due to non-filing/non-receipt of respective ITR-V Form, the Central Board of Direct Taxes (‘CBDT’), in exercise of powers under section 119(2)(a) of the Act, in case of returns for Assessment Years 2009-10, 2010-11, 2011-12, 2012-2013, 2013-2014 and 2014-2015 which were uploaded electronically by the taxpayer within the time allowed under section 139 of the Act and which have remained incomplete due to non-submission of ITR-V Form for verification, hereby permits verification of such returns also through EVC. Such verification process must be completed by 31.08.2016. As an alternative to EVC, the taxpayer is allowed to send a duly signed copy of ITR-V to the CPC, Bengaluru by this date by speed post. In such cases, CBDT also relaxes the time-frame for issuing the intimation as provided in second proviso to sub section (1) of Section 143 of the Act and directs that such returns shall be processed by 30.11.2016 and intimation of processing of such returns shall be sent to the taxpayer con-

cerned as per the laid down procedure. In refund cases, while determining the interest, provision of section 244A(2) of the Act would apply.

In situations where the taxpayer concerned had submitted the ITR-V Form after the permitted time which was earlier being treated as Non-est/declared Non-est and evidence of same is available with the Department, the same shall be treated as valid compliance of this order and dealt with accordingly. However, this relaxation shall not apply in those cases, where during the intervening period; Department has already taken recourse to any other measure as specified in the Act for ensuring filing of tax return by the taxpayer concerned after declaring the return as Non-est.

It is also clarified that this is the final opportunity being provided to the taxpayers to regularize their pending income-tax returns pertaining to the Assessment Year’s 2009-2010 till 2014-2015 which were filed as per provisions of section 139 of the Act but were declared Non-est/have remained pending for verification just for want of receipt of a valid ITR-V Form at CPC, Bengaluru. In case the taxpayer concerned does not get his return regularized by furnishing a valid verification (either EVC or ITR-V) till 31.08.2016, necessary consequences as provided in law for non-filing the return may follow. In this regard, Principal DGIT (Systems) shall take all necessary measures to duly inform

the taxpayers which are proposed to be covered vide this order to complete the verification process within the time being allowed. The taxpayer concerned may also ascertain whether ITR-V has been received in the CPC, Bengaluru or not by logging on the website of income-tax Department-http://incometaxefiling.gov.in/e-Filing/Services/ITR-V_Receipt_Status.html by entering PAN No. and Assessment Year or e-Filing Acknowledgement Number. Alternatively, status of ITR-V could also be ascertained at the above Website under ‘Click to view Returns/Forms’ after logging in with registered e-Filing account. In case ITR-V has not been received within the prescribed time, status will not be displayed and further steps would be required to be taken as mentioned above.

Notification of Income Tax Returns for Assessment Year 2016-17

The Central Board of Direct Taxes has notified the forms for filing of Income-tax returns for Assessment Year 2016-17. These return forms, namely ITR-1 (Sahaj), ITR-2, ITR-2A, ITR-3, ITR-4, ITR-4S (Sugam), ITR-5, ITR-6, ITR-7 are available on the official website of the Department,

www.incometaxindia.gov.in.

With the passage of Finance Bill, 2015, wealth-tax is no longer leviable with effect from

assessment year 2016-17. Taxpayers are, therefore, not required to file a wealth tax return from assessment year 2016-17 onwards. While abolishing the charge of Wealth-tax, the Finance Minister also announced that information which was required to be furnished in the return of wealth will now form a part of the Income-tax return.

Individuals and HUFs with income above a specified limit, filing returns in ITR-3 and ITR-4 are already required to furnish

information of their assets and liabilities in their annual return of income. With Assessment Year 2016-17, individuals and HUFs filing their returns of income in ITR-1, ITR-2, ITR-2A and ITR-4S, having income exceeding Rs.50 lakh will now be required to furnish information regarding assets and liabilities in Schedule-AL of the relevant ITR form. These changes in ITR forms are in tune with the announcement made in the Budget Speech 2015.



How to file TDS/TCS statement on incometaxindiaefiling.gov.in

The provisions relating to the statement of deduction of tax under sub-section (3) of section 200 and the statement of collection of tax under proviso to sub-section (3) of section 206C of the Income-tax Act, 1961 (the Act) are prescribed under Rule 31A and Rule 31AA of the Income-tax Rules, 1962 (the Rules) respectively. As per sub-rule (5) of rule 31A and sub-rule (5) of rule 31AA of the Rules, the Director General of Income-tax (Systems) shall specify the procedures, formats and standards for the purposes of furnishing and verification of the statements and shall be responsible for the day to day administration in relation to furnishing and verification of the statements in the manner so specified. In exercise of power conferred by sub-rule (5) of rule 31A and sub-rule (5) of rule 31AA of the Rules, the Principal Director General of Income-tax (Systems) hereby lays down the

following procedures of registration in the e-filing portal, the manner of the preparation of the statements and submission of the statements as follows:

The deductors/collectors will have the option of online filing of e-TDS/TCS returns through e-filing portal or submission at TIN Facilitation Centres. Procedure for filing e-TDS/TCS statement online through e-filing portal is as under:

Registration: The deductor / collector should hold valid TAN and is required to be registered in the e-filing website as "Tax Deductor & Collector" to file the "e-TDS/e-TCS Return".

Preparation: The Return Preparation Utility to prepare the TDS/TCS Statement and File Validation Utility (FVU) to validate the Statements can be downloaded from the tin-nsdl website. The statement is required to be uploaded as a zip

file and submitted using a Digital Signature Certificate. The signature file for the zipped file will be generated using the DSC Management Utility .

Submission: The deductor/collector is required to login to the e-filing website using TAN and go to TDS -> Upload TDS. The deductor/collector is required to upload the "Zip" file along with the signature file (generated as explained in para (b) above). Once uploaded, the status of the statement shall be shown as "Uploaded". The uploaded file shall be processed and validated at the e-filing portal. Upon validation the status shall be either "Accepted" or "Rejected" which will reflect within 24 hours from the time of upload. The status of uploaded file will be visible at TDS -> View Filed TDS. In case the submitted file is "Rejected", the reason for rejection shall be displayed.

"The deductors/collectors will have the option of online filing of e-TDS/TCS returns through e-filing portal"





Procedure for Online filing of Form 15G & Form 15H

As per sub-rule (1) of rule 29C (Declaration by person claiming receipt of certain incomes without deduction of tax) of the Income-tax Rules, 1962 (hereunder referred as the Rules) a declaration under sub-section (1) or under sub-section (1A) of section 197A shall be in Form No. 15G and declaration under sub-section (1C) of section 197A shall be in Form No. 15H.

As per sub-rule (3) of rule 29C, the person responsible for paying any income of the nature referred to in sub-section (1) or sub-section (1A) or sub-section (1C) of section 197A, shall allot a unique identification number to each declaration received by him in Form No.15G and Form No.15H respectively during every quarter of the financial year in accordance with the procedures, formats and standards specified by the Principal Director General of Income-tax (Systems) under sub-rule (7) of rule 29C.

As per sub-rule (4) of rule 29C, the person referred to in sub-rule (3) herein shall furnish the particulars of declaration received by him during any quarter of the financial year along with the unique identification number allotted by him under sub-rule (3) in the statement of deduction of tax of the said quarter in accordance with the provisions of clause (vii) of sub-rule (4) of rule 31A. As per sub-rule (7) of rule 29C, the Principal Director General of Income-tax (Systems) shall specify the

procedures, formats and standards for the purposes of furnishing and verification of the declaration, allotment of unique identification number and furnishing or making available the declaration to the income tax authority and shall be responsible for the day-to-day administration in relation to the furnishing of the particulars of declaration in accordance with the provisions of sub-rule (4) of rule 29C.

In exercise of the powers delegated by Central Board of Direct Taxes ('Board') under sub-rule (7) of rule 29C of the Income-tax Rules, 1962, the Principal Director General of Income-tax (Systems) hereby lays down the following procedures:

- Registration: The deductor/collector is required to register by logging in to the e-filing website of the Income Tax Department. To file the "Statement of Form 15G/15H", deductor should hold a valid TAN. Following path is to be used for the registration process:

Register yourself → Tax Deductor & Collector

- Preparation: The prescribed schema for Form 15G/15H and utility to prepare XML file can be downloaded from the e-filing website home page under forms (other than ITR) tab. The Form 15G/15H utility can be

used to prepare the xml zip file. The declaration is required to be submitted using a Digital Signature Certificate. The signature file for the zipped file can be generated using the DSC Management Utility (available under Downloads in the e-Filing website <https://incometaxindiaefiling.gov.in/>)

- Submission: The designated person is required to login to the e-filing website using TAN and go to e-File → Upload Form 15G/15H. The designated person is required to upload the "Zip" file along with the signature file (generated as explained in para (b) above). Once uploaded, the status of the statement shall be shown as "Uploaded". The uploaded file shall be processed and validated at the e-filing portal (list of validations are given in the user manual). Upon validation, the status shall be either "Accepted" or "Rejected" which will reflect within 24 hours from the time of upload. The status of uploaded file will be visible at My account → View Form 15G/15H. In case the submitted file is "Rejected", the reason for rejection shall be displayed and the corrected statement can be uploaded again.



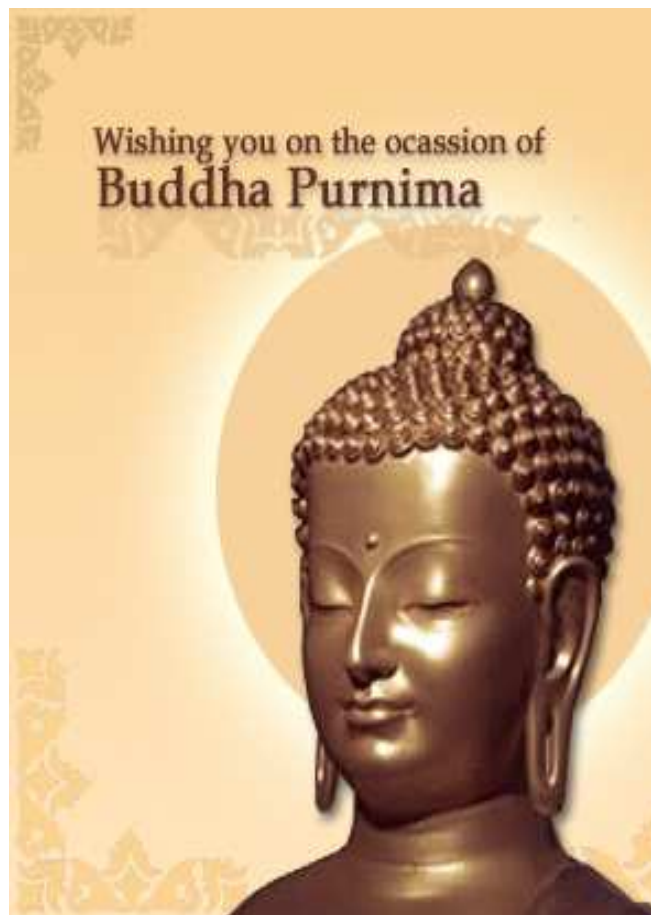


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Declaration of Assets & Liabilities in the new ITR forms



Central Board of Direct Taxes (CBDT) have released new income-tax return forms with mandatory provisions of declaring Assets & Liabilities (A&L) such as cars, jewellery yacht, aircrafts, shares, properties, etc. Prior to Assessment Year (A.Y.) 2015-16, the Asset - Liability Schedule (AL schedule) was applicable to filers of ITR 3 and 4, whose total income for the previous year exceeded

Rs.25 lakh. The Wealth-tax Act primarily captured the information regarding assets of specified taxpayers. With a view to reduce compliance burden, the Wealth-tax Act was made inapplicable from A.Y.2016-17 with the stipulation that the information regarding assets forming part of the wealth-tax return will be captured in the Income-tax returns. Accordingly, the ITR forms for A.Y. 2016-17 have

been rationalised by making the Schedule AL applicable to individuals and Hindu undivided family (HUFs) whose total income for the previous year 2015-16 exceeds Rs.50 lakh. The objective of AL schedule is to capture details of assets and liabilities and not the net worth.

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