

# RECENT AMENDMENT FOR JUNE 2020 EXAM

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**THERE ARE SOME MORE AMENDMENTS WHICH WILL BE COVERED AT THE CLASS ON 31<sup>ST</sup> MARCH 2020. THE SHEET SHALL BE HANDED OVER THEN ONLY**

#### NOTES: ✍

1. For May 2020 exam, amendments made by the Finance Act, 2019 (NO. 1 & 2), The Taxation Laws (Amendment) Act, 2019 and notification & circulars issued till 31.10.2019 is relevant. In this note we have covered relevant amendments of the Finance Act, 2019 (NO. 1 & 2), The Taxation Laws (Amendment) Act, 2019 and notification & circulars issued between 01.05.2019 to 31.10.2019. For amendment made by notifications/circulars issued prior to 31.10.2019 students shall refer last term study mat along with last term amendments notes or current term study mat
2. Further, if required any last moment update or revisionary test paper may be uploaded in our website [www.vseipl.com](http://www.vseipl.com) before exam. Accordingly, students are requested to keep watch on it and we also try to inform you through bulk sms regarding any such update.
3. In addition to this, students must refer ICAI practice manual and revisionary test papers relevant for May 2020.
4. Reasonable efforts have been made in this book to avoid errors and omissions. In spite of this errors/omission may creep in.
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6. Tax Laws are a subject matter of opinion and interpretations. Same provisions and case Laws may be interpreted in different ways. It is advised that the readers/students should form their own opinion based on class discussions, discussions contained in this book and original Govt. publications and notifications.
7. This material has been designed for academic purposes and not for professional practice purpose. This document must be read along with ICAI/ICMAI/ICSI study publications/original publications of the Govt. Further this is a reference material and must be studied with class notes, dictations and discussions.

## SECTION A: INCOME TAX

**Amendment in this section includes amendments made by:-**

1. The Finance Act, 2019
2. The Finance (No.2) Act, 2019
3. The Taxation Laws(Amendment) Act, 2019
4. Relevant Notifications and Circulars issued between 1.5.2019 to 31.10.2019

Note- Relevant year for May 2020 Exam is P.Y 2019-20 and A.Y 2020-21.

### Chapter 1

### AMENDMENTS AT A GLANCE

Chapters	Old Provisions	Amended provisions
<b>1. Income from Salaries</b>		
○ Standard Deduction allowed u/s. 16(ia)	₹ 40,000	₹ 50,000
<b>2. Income from House Property</b>		
○ In case of more than one self-occupied property.	Any <b>One house</b> is treated as self-occupied u/s. 23(4) and all other house shall be treated as deemed to be let out.	Any <b>Two house</b> is treated as self-occupied u/s. 23(4) and all other house shall be treated as deemed to be let out.
○ Property held as stock in trade u/s. [Sec. 23(5)]	If not let out, then annual value shall be taken as Nil, for <b>one year</b> from the end of the Financial year in which certificate of completion of construction of the property is obtained.	If not let out, then annual value shall be taken as Nil, for <b>two years</b> from the end of the Financial year in which certificate of completion of construction of the property is obtained.
○ Maximum deduction allowed on interest on loan for self-occupied property u/s. 24(b)	For Repair & Renewal- 30,000  For Construction or Acquisition - ₹ 2,00,000/30,000.	Same provision.  <b>But the aggregate limit should not exceeds ₹ 2,00,000 under all category.</b>
<b>3. Profit and gains from business or professions</b>		
(i) Section 40(a)(ia) : 100% disallowances if TDS not deducted on payment to non-resident.	-Benefit not allowed	where resident payer fails to deduct tax but the payer furnish a certificate of Chartered Accountant that <b>the payee</b> has furnished his return by including such income and has paid tax on income declared in return, then it shall be deemed that the assessee has deducted and paid the tax on the date of furnishing of return of income by the payee.
(ii) Section 43B – Certain Exp. are allowed on payment basis	One of such payment is –  Interest on loan or advance taken from a scheduled bank, Public Financial Institution, co-operative bank (other than a primary agricultural credit society or a primary co-operative agricultural and rural development bank).	Such restriction is also applicable on interest on NBFC –  Interest on loan or advance taken from a scheduled bank, Public Financial Institution, co-operative bank (other than a primary agricultural credit society or a primary co-operative agricultural and rural development bank) and <b>NBFC (whether deposit taking NBFC or systemically</b>

		<p><b>important non-deposit taking NBFC) .</b></p> <p><i>Systemically important non-deposit taking NBFC means NBFC not accepting or holding public deposits and having total assets of not less than ₹500 crore as per last audited balance sheet and is registered with RBI.</i></p> <p>Further, if in any earlier year deduction was allowed on accrual basis, then no deduction is allowed in the year of payment.</p>
	Further, conversion of above interest into a loan shall not be deemed have been actually paid.	Such restriction is also applicable to Interest payable to NBFC.
<p><b>(iii) RECEIPT/PAYMENT OTHER THAN CASH UNDER INCOME TAX u/s. 35AD, 40A(3), 43(1), 43CA, 44AD, 50C, 56(2)(x), 80JJAA- Mode of payment by – A/C payee Cheque/draft or ECS though Bank account/ through such other e-mode a may be prescribed. [Refer details notes]</b></p>		
<p><b>(iv) Revised Rate of Depreciation for Motor Vehicle</b></p>	<p><b>Depreciation on WDV -</b></p> <p><b>@ 30%</b>, for Motor cars, other than those used in a business of running them on hire, acquired and put to use between 23.8.2019 to 31.3.2020. <b>[For other case 15%]</b></p> <p><b>@ 45%</b>, for Motor buses, motor lorries and motor taxis used in a business of running them on hire, acquired and put to use between 23.8.2019 to 31.3.2020. <b>[For other case 30%]</b></p>	
<p><b>(v) Employer's Contribution to NPS u/s. 80CCD</b></p>	<p><b>Allowable business expenses shall be –</b></p> <p>(a) amount contributed or (b)10%/14%* of the salary, whichever is lower. <b>[14% if contribution is made by Central Govt.]</b></p> <p>"Salary" = Basic +DA forming part of salary but excludes all other allowances and perquisites.</p> <p><b>Example:</b> Suppose Employer contributes 15% of employees salary to pension fund. Employees salary amounted to ₹ 10,00,000. In this case the deduction will be equal to ₹ 1,00,000. However, if the contribution is made by Central Govt, then deduction shall be ₹1,40,000.</p>	
<p><b>4. CAPITAL GAINS</b></p>		
<p>○ <b>Cost Inflation Index(CII) for F. Y 2019-20</b></p>	-	<b>289</b>
<p>○ <b>Section 50CA</b></p>	<p>W.R.T. Unquoted share, Full Value of consideration shall be actual sale value or Fair Market Value whichever is higher.</p>	<p>Following proviso added-</p> <p>However, the provisions of Section 50CA shall not apply to any consideration received or accruing as a result of transfer by such class of persons and subject to such conditions as may be prescribed.</p>
<p>○ <b>Section 54 Exemption allowed for-</b></p>	<p>Purchase or construct of <b>one</b> residential house in India</p>	<p><b>where the amount of capital gains does not exceeds ₹2 crores:</b> Exemption shall be allowed w.r.t purchase or construct of <b>two</b> residential houses in India, Benefit of second house is available once in lifetime.</p> <p>For other case – one residential house in India.</p>

<ul style="list-style-type: none"> <li>Demerger [Section 47 read with section 2(19AA)]</li> </ul>	<p>One of the condition for claiming exemption is that -</p> <p>The asset and liability of the demerged company shall be transferred at book value and accordingly, the resulting company shall record this value in its books .</p>	<p>This Condition is not applicable to an Ind AS compliant resulting company.</p> <p>Therefore, an Ind AS compliant resulting company can book the value different from the book value of the demerged company.</p>
<p><b>5. INCOME FROM OTHER SOURCES</b></p>		
<ul style="list-style-type: none"> <li>Section 56(2)(viib) [Share issued at premium]</li> </ul>	<p>Where a closely held company receives from any person being a resident, any consideration for issue of shares at premium the aggregate consideration received for such shares as exceeds the fair market value of the shares shall be taxable in the hands of such company.</p>	<p>However, in the following case nothing shall be taxable where consideration for issue of share is received by –</p> <p>(i) by a venture capital undertaking from a venture capital company or a venture capital fund or a specified fund (Category I or II Alternative Investment Fund).</p> <p>(ii) an eligible start-up company from a resident for issue of shares. However, if such company fails to satisfy prescribed conditions, then income not taxable earlier shall be deemed to be taxable in the year of failure and such company is also liable to penalty @ 200% as misreporting of income.</p>
<ul style="list-style-type: none"> <li>Section 56(2)(x) – Gift/purchase for lower consideration</li> </ul>	<p>Provision not applicable for items covered under exempted cases like gift received from relative, on marriage etc.</p>	<p>Exempted Case- (xi) Section 56(2)(x) not applicable for any sum of money or any property received from such class of persons and subject to conditions, as may be prescribed.</p>
<p><b>6. Income Exempted</b></p>		
<ul style="list-style-type: none"> <li>Interest paid to non -resident on rupee denominated bond by Indian company/business Trust.</li> </ul>		<p>Exempted u/s. 10(4C), if such bond is issued from 17.9.2018 to 31.3.2019.</p>
<ul style="list-style-type: none"> <li>Interest payable to non-resident by a unit located in an International Financial Services Centre (IFSC).</li> </ul>		<p>Exempted u/s. 10(15)(ix), in respect of monies borrowed on or after 1.9.2019.</p>
<ul style="list-style-type: none"> <li>Income received by a Category III Alternative Investment Fund by way of transfer of specified securities held by a non-resident in IFSC .</li> <li>Specified securities are –</li> <li>(i) bond or Global depository receipt; or</li> <li>(ii) rupee denomination bond of an Indian company; (iii) derivative or such other securities as may be notified by the Central Government in this behalf,</li> </ul>		<p>Exempted u/s. 10(4D), if the consideration for such transaction is paid or payable in convertible foreign exchange.</p>
<ul style="list-style-type: none"> <li>Buyback of shares</li> </ul>	<p><b>For Shares of unlisted/private company -</b></p> <p>The company will pay distribution tax u/s. 115QA @ 23.296% and capital gain shall be exempted in the hands of shareholders u/s. 10(34A).</p>	<p>Same treatment for buyback of shares of listed company also, if public announcement for buyback is made after 5.7.2019.</p>
<ul style="list-style-type: none"> <li>Sums received out of pension fund U/s. 80CCD (Tier I NPS A/c)</li> </ul>	<p>(I) On closure of A/c- 40% 60% of total amount received by an assessee from NPS (Tier -I A/c) is exempted u/s. 10(12A). Amount received by nominee on account of the death of assessee not taxable. Regular Pension is taxable.</p> <p>(II) On partial withdrawal: To the extent it does not exceed 25% of the amount of contributions made by him; exempt [10(12B)]</p> <p><b>Note:</b> Amount received from NPS Tier II A.c and pension Fund of insurance company U/s. 80CCC is taxable.</p>	

<b>7. Chapter VIA</b>		
○ <b>Section 80C</b>	Contribution to Tier II NPS A/c (Additional account as specified u/s. 20(3) of the PFRDA Act, 2013) by employee of Central Govt. also eligible for deduction u/s. 80C, provided that amount deposited and invested for a fixed period of 3 years or more. [Note- Tier 1 NPS A.c (pension plan) is covered u/s. 80CCD]	
○ <b>Section 80CCD(2)</b>	Limit of employer's contribution increased to 14% from 10% for Central Govt. [Note- no change for other employer i.e 10%]	
○ <b>Section 80EEA</b>	<b>Allowed to Individual who is not eligible to claim deduction u/s. 80EE. Maximum deduction ₹ 1,50,000 on interest on loan for acquiring house property. [Refer details notes]</b>	
○ <b>Section 80EEB</b>	<b>Allowed to Individual on interest payable on loan taken for purchase of e-vehicle Maximum deduction ₹ 1,50,000[[Refer details notes]</b>	
<b>8. Rebate u/s. 87A</b>		
○ <b>Monetary Limit</b>	Total Income ≤ ₹ 3.5 lakhs	Total Income ≤ ₹5 lakhs
	Rebate = 100% of tax payable or ₹2500, lower	Rebate = 100% of tax payable or ₹ 12500, lower
<b>9. Residential Status</b>		
○ <b>Scope of Total Income for non-resident</b>	Taxability of gift received by a non-resident in outside India from a resident of India. [debatable – as gift is not an income, hence not taxable u/s. 56(2)(x)]	Section 9 amended so as to specify such gift as <b>“income deemed to be accrue or arise in India”, if made on or after 5.7.2019. Hence, it is taxable u/s. 56(2)(x).</b>
<b>10. Advance Tax &amp; Interest</b>		
<b>Computation of tax due for the purpose of payment advance tax, self-assessment tax and Sec. 234A,234B and 234C.</b>	Relief u/s. 89 shall also be deducted in computing tax due in addition to TDS/TCS, AMT/MAT Credit w.r.e.f 1.4.2007	
<b>11. Provisions of TDS &amp; TCS</b>		
<b>(i) Section 194A</b>	Old	New
<b>Threshold limit for deduction of TDS</b>		
○ <b>Interest paid by bank/post office</b>	₹10,000 ₹50,000 (for snr citizen)	₹40,000 ₹50,000 (for snr citizen)
○ <b>Interest paid by others</b>	₹ 5,000	₹5,000
○ <b>Further, Such banking co./co-operative society/public co. shall also require to furnish prescribed statement in respect of payment of interest (not exceeding ₹ 40,000/₹5000) to residents without deduction of tax.[Sec. 206A]</b>		
<b>(ii) Section 194I</b>		
○ <b>Threshold limit for deduction of TDS on rent</b>	₹1,80,000	₹2,40,000
<b>(iii) Section 194DA</b>	Upto 31.8.2019	w.e.f 1.9.2019
<b>Rate of TDS on payment to a resident in respect to life insurance policy not exempted u/s 10(10D) and aggregate payment exceed ₹ 1 lakh.</b>	1% on gross payment	5% on the amount of income comprised therein. i.e Total sum received – premium paid.
<b>(iv) Section 194IA</b>		w.e.f 1.9.2019
TDS @ 1% on payment made in relation to transfer immovable property (other than agricultural land and compulsory acquisition), if consideration exceeds ₹ 50 lakhs .	<i>Explanation- Consideration shall include all charges of the nature of club membership fee, car parking fee, electricity or water facility fee, maintenance fee, advance fee or any other charges of similar nature,</i>	

*which are incidental to transfer of immovable property.*

(v) TDS u/s. 194M @5% for payment exceeding ₹ 50 lakhs of nature covered u/s. 194C, 194H and 194J but TDS not attracted u/s. 194C,194H and 194J. [w.e.f 1.9.2019]

(vi) TDS @ 2% on 194N cash withdrawal from bank more than 1 crores [Newly inserted w.e.f 1.9.2019]  
- Refer Details notes

### **(vi) Deemed deduction of TDS & Assessee in Default [Sec. 201 & 201A]**

- The benefit of deemed deduction of TDS is allowed to both payment made to resident and non-resident payee. [earlier only resident case was covered]
- Further, order for assessee in default u/s. 201(1) cannot be made after expiry of 7 years from the end of the financial year in which payment is made or credit is given, or 2 years from the end of the F.Y in which correction statement is delivered, whichever is later.

### **11. Filing of Return**

1. Filing of return is mandatory even though GTI does not exceed maximum exemption limit, if during the previous year such person -

- (i) has deposited an amount or aggregate of the amounts exceeding ₹ 1 crore in one or more current accounts maintained with a banking company or a co-operative bank; or
- (ii) has incurred expenditure of an amount or aggregate of the amounts exceeding ₹ 2 lakh for himself or any other person for travel to a foreign country; or
- (iii) has incurred expenditure of an amount or aggregate of the amounts exceeding ₹1 lakh towards consumption of electricity; or
- (iv) fulfils such other conditions as may be prescribed,

### **2. Person notified u/s. 139(1C) who are not required to file return from AY 2019-20 onwards**

(i) a non-resident, who have any income chargeable under the said Act during a previous-year from any investment in an investment fund set up in an International Financial Services Centre (IFSC) located in India and TDS deducted u/s. 194LBB, and no other income. [Notification No. 55/2019, dated 26.7.2019]

### **3. Inter-changeability of PAN & Aadhaar [Sec. 139(5E)] - Allotment of PAN on the basis of Aadhaar and no other document required.**

**AMENDMENTS IN DETAILS****RATES OF TAX FOR A.Y. 2020-21****INDIVIDUALS****(1) BELOW 60 YEARS:**

UP TO ₹ 2,50,000	NIL
₹ 2,50,001 to 5,00,000	5%
₹ 5,00,001 to 10,00,000	20%
Above ₹ 10,00,000	30%

**(2) 60 YEARS OR MORE BUT BELOW 80 YEARS (RESIDENT SENIOR CITIZEN)**

UP TO ₹ 3,00,000	NIL
₹ 3,00,001 to 5,00,000	5%
₹ 5,00,001 to 10,00,000	20%
Above ₹10,00,000	30%

**(3) 80 YEARS OR MORE (RESIDENT SUPER SENIOR CITIZEN)**

UP TO ₹ 5,00,000	NIL
₹ 5,00,001-10,00,000	20%
Above ₹10,00,000	30%

**Surcharge:**

SITUATION	RATE OF SURCHARGE
(a) Where Total income (including income u/s. 111A/112A) is more than ₹ 50 lakhs but does not exceeds ₹ 1 crore.	10%
(b) Where Total income (including income u/s. 111A/112A) is more than ₹ 1 crores but does not exceeds ₹ 2 crore.	15%
(c) Where Total income (excluding income u/s. 111A/112A) is more than ₹ 2 crores but does not exceeds ₹ 5 crore.	25% for other income. 15% for income u/.s 111A/112.*
(d) Where Total income (excluding income u/s. 111A/112A) is more than ₹ 5 crore.	37% for other income. 15% for income u/.s 111A/112.*
(e) Where Total income (including income u/s. 111A/112A) is more than ₹ 2 crores but not covered under clauses (c) and (d) above .	15%.

\* Where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax computed in respect of that part of **income shall not exceed 15%**.

**Health & Education Cess:** 4% in all cases.

**REBATE [ SECTION 87A]**

- (1) Allowed to resident Individual only
- (2) Whose total income does not exceed ₹ 5,00,000.
- (3) Amount of Rebate: (i) 100% of income tax payable or ₹ 12,500; lower

Section 288A: Total Income shall be rounded off to nearest multiples of ₹ 10

Section 288B: Tax Liability shall be rounded off to nearest multiples of ₹ 10

**MARGINAL RELIEF**

**Marginal Relief w.r.t surcharge is there to all assessee where Income exceeds ₹ 50lakhs/1crores/2 crore/5 crore.**

**Quantum of Marginal relief** = Additional Income tax payable along with surcharge on excess income over 50lakhs/1 Crores (-) Amount of income exceeding ₹ 50lakhs/1 crore/2 crore/5 crore

**EXAMPLE ON APPLICABILITY OF SURCHARGE**

SITUATION	APPLICABLE SURCHARGE
(a) Other Income ₹ 10 lakhs LTCG u/s. 112A ₹ 30 lakhs STCG u/s. 111 ₹ 20 lakhs	10% on tax computed on total income of ₹ 60 lakhs.
(b) Other Income ₹ 30 lakhs LTCG u/s. 112A ₹ 40 lakhs STCG u/s. 111 ₹ 70 lakhs	15% on tax computed on total income of ₹ 1.4 crores
(c) Other Income ₹ 4 Crores LTCG u/s. 112A ₹ 40 lakhs STCG u/s. 111 ₹ 20 lakhs	25% on tax computed on other income of ₹ 4 cr 15% on tax computed on income u/s 111A and 112.
(d) Other Income ₹ 7 Crores LTCG u/s. 112A ₹ 40 lakhs STCG u/s. 111 ₹ 20 lakhs	37% on tax computed on other income of ₹ 7 cr. 15% on tax on income computed u/s 111A/112.
(e) Other Income ₹ 1 Crores LTCG u/s. 112A ₹ 70 lakhs STCG u/s. 111 ₹ 40 lakhs	<b>15% on tax computed on total income of ₹ 2.1 crores</b>

**TAX RATES PARTICULARLY SPECIFIED ON CERTAIN INCOMES**

SECTION	INCOME	INCOME TAX RATE A.Y. 2020-21
111A	Short Term Capital gains on sale of Equity shares and units of Equity oriented Fund on which STT has been paid	15% subject to basic exemption limit for resident assessee.
112	<b>Long Term Capital Gains</b>	20% subject to maximum exemption limit for resident assessee. [For listed shares and zero coupon bond there is an option of 10% tax without indexation benefit]
112A	Long term capital gain on listed equity shares or equity oriented fund or unit of business trust in excess of ₹1,00,000 subjected to STT(refer chapter of Capital Gains for more details)	10% subject to exemption limit for resident individual and HUF
115BB	Winnings from lotteries, crossword puzzles, or races including horse races or card games and other games of any sort or from gambling or betting of any from or nature whatsoever	30% without basic exemption limit
115BBDA	Aggregate dividend in excess of ₹ 10 lakhs received by Individual, HUF, AOP, BOI & Firm.	10% of amount exceeding Rs10 lakhs. Without basic exemption limit & chapter VIA.



TAX RATE OTHER THAN INDIVIDUALS			
ASSESSEE	RATE OF TAX	SURCHARGE	HEALTH & EDUCATION CESS
PARTNERSHIP FIRM	30% ON WHOLE OF TOTAL INCOME	12%, if total income > ₹ 1crores.	4%
LOCAL AUTHORITY	30% ON WHOLE OF TOTAL INCOME	12%, if total income > ₹ 1crores.	4%
CO-OPERATIVE SOCIETY	Upto ₹ 10,000 @ 10% 10,001 to 20,000 @20% If exceeds ₹ 20,000 @ 30%	12%, if total income > ₹ 1crores.	4%
DOMESTIC COMPANY	<b>Refer Separate Heading</b>		
FOREIGN COMPANY	50% ON SPECIFIED ROYALTIES AND TECHNICAL SERVICES (Note 1) <b>AND</b> 40% ON THE BALANCE	2%, if Total Income > ₹ 1 crores but ≤ ₹ 10 crores.  5%, if Total Income > ₹ 10 crores.	4%
HUF, AOP, BOI, ARTIFICIAL JURIDICAL PERSON	Upto ₹ 250000: NIL 250001 to 500000 @ 5% 500001 to 10,00,000 @ 20% Above 10,00,000 @ 30%	10% if total income > Rs.50 lakhs up to Rs.1cr. 15%, if total income > ₹ 1cr upto ₹ 2 crore 25%, if total income > 2cr upto ₹ 5 crores 37%, if total income > ₹ 5 crores	4%

**Note 1:** Royalty received from Government or an Indian concern in pursuance of an agreement made with the Indian concern after March 31, 1961, but before April 1, 1976, or fees for rendering technical services in pursuance of an agreement made after February 29, 1964 but before April 1, 1976 and where such agreement has, in either case, been approved by the Central Government.

#### Some other Special Tax Rate

115BBF	Royalty received from patents by a resident of India (first inventor) from a patent developed and registered in India.	10% of the gross amount of royalty. Without basic exemption limit & Chapter VIA.
115BBG	Income by way of transfer of carbon credit.  “carbon credit” in respect of one unit shall mean reduction of one ton of carbon dioxide emissions or emissions of its equivalent gases which is validated by the United Nations Framework on Climate Change and which can be traded in market at its prevailing market price.’	10% on gross income. NO deduction in respect of any expenditure or allowances. No Basic Exemption Limit.

**Carbon Credit (concept in brief):** Carbon credits is an incentive given to an industrial undertaking for reduction of the emission of GHGs (Green House gases), including carbon dioxide which is done through several ways such as by switching over to wind and solar energy, forest regeneration, installation of energy-efficient machinery, landfill methane capture, etc. The Kyoto Protocol commits certain developed countries to reduce their GHG emissions and for this, they will be given carbon credits. A reduction in emissions entitles the entity to a credit in the form of a Certified Emission Reduction (CER) certificate. The CER is tradable and its holder can transfer it to an entity which needs Carbon Credits to overcome an unfavorable position on carbon credits.

**RATE OF TAX FOR DOMESTIC COMPANY**

TOTAL INCOME	WHERE TURNOVER/GROSS RECEIPTS IN P.Y 2017-18 DOES NOT EXCEEDS ₹400 CRORES	COMPANY OPTING SECTION 115BA	COMPANY OPTING SECTION 115BAA	COMPANY OPTING SECTION 115BAB	ANY OTHER COMPANY
Up to ₹ 1 crores	25% + Cess 4% = 26%	25% + Cess 4% = 26%	22% + SC 10%+ Cess 4% = 25.168%	15% + SC 10%+ Cess 4% = 17.16%	30% + Cees 4% = 31.20%
Above ₹1 cr but upto ₹ 10 cr	25% + SC 7%+ Cess 4% = 27.82%	25% + SC 7%+ Cess 4% = 27.82%	22% + SC 10%+ Cess 4% = 25.168%	15% + SC 10%+ Cess 4% = 17.16%	30% + SC @ 7%+ Cees 4% = 33.384%
Above ₹10 cr	25% + SC 12%+ Cess 4% = 29.12%	25% + SC 12%+ Cess 4% = 29.12%	22% + SC 10%+ Cess 4% = 25.168%	15% + SC 10%+ Cess 4% = 17.16%	30% + SC @ 12%+ Cees 4% = 34.944%

**Note 1: Deduction not allowed for availing concessional rate of tax u/s. 115BA, 115BAA, 115BAB**

Section No.	Provisions
10AA	Exemption to Unit in SEZ
32(1)(ia)	Additional Depreciation (20%/35%)
32AC	Investment allowances -15% extra deduction if investment in new plant & machinery exceeds ₹ 25 crores <b>[not relevant now]</b>
32AD	15% extra deduction on actual cost of new p&m acquired and installed in the notified areas of Andhra Pradesh, Telangana, Bihar and West Bengal
33AB	40% deduction on profit from business of growing and manufacturing TEA, Coffee, Rubber in India or the amount deposited in NABARD Fund , lower
33ABA	20% deduction on profit from business of prospecting/ extraction/production of petroleum/natural gas or amount deposited in Site Restoration A.c with SBI, lower.
35(1)/(ii)/(ia)/(iii)	Deduction on payment to research association, University, Indian Company for Scientific/social/statistical research
35(2AA)	150% deduction on payment to National Laboratory/University/IIT/approved person for scientific research
35(2AB)	150% deduction for inhouse scientific research by an Indian company.
35AD	100% deduction of capital expenditure (except land and goodwill) for specified business
35CCC	150% deduction on exp. incurred on notified agricultural extension project
35CCD	150% deduction on exp. incurred by a company on notified skill development project
80 IA to 80RRB	<i>Deductions in respect of certain incomes" other than the provisions of section 80JJAA</i>

## 1. Income from Salaries

### 1. Standard Deduction [Section 16(ia)]

The employee shall be allowed a deduction of ₹ 50,000 or the amount of Gross Salary, whichever is lower.

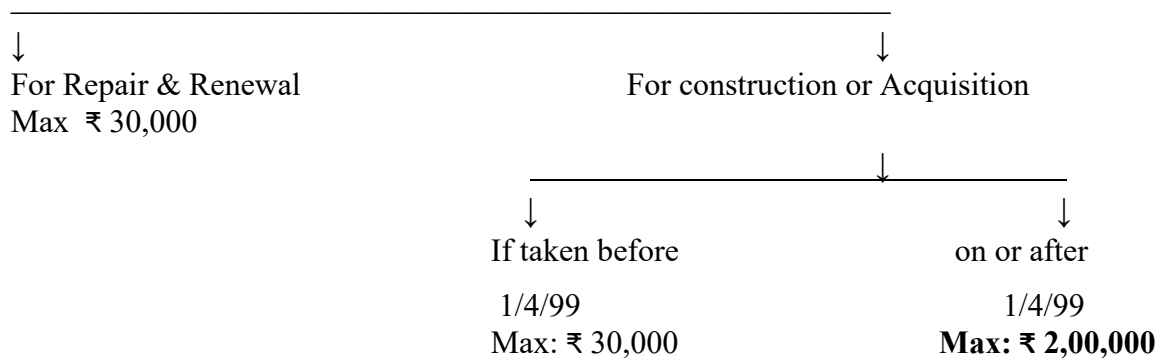
## 2. Income From House Property:-

### (I) Self Occupied or Non Occupied due to employment elsewhere

- (1) The Annual Value of Self Occupied Property or Property non occupied due to employment elsewhere is taken at **NIL**.
- (2) No deduction is allowed for Municipal Taxes. No Standard Deduction is allowed.
- (3) Interest on loan is however allowed as deduction. This is subject to monetary limits as explained hereunder:

✎ Benefit of Self occupied property can be availed by only Individual and HUF. [**Hariprasad Bhojnagarwala (2012) (Guj.)**]

### Interest on Loan if Loan taken



**The aggregate of the amount of deduction under all the above categories shall not exceed ₹ 2 lakh.**

### Points to be Noted:

- 1) The above Limit is for Self-occupied property. In case of let out properties there is no Limit for interest.
- 2) The above Limit is for current year interest + 1/5<sup>th</sup> of preconstruction interest.
- 3) The interest of max ₹ 2,00,000 is subject to the condition that the construction must be completed **within 5 years** from the end of financial year in which loan is taken. Otherwise, restricted to ₹ 30000.

**Example:** Suppose Mr. Raja starts construction of a house on 10/12/2019. Now he must complete construction within 5 years from 31/3/2020 i.e. by 31/3/2025. If he completes construction by 31/3/2025 then interest is maximum allowable at ₹ 2,00,000. But if he completes construction after 31/3/2025 then maximum interest allowable shall be ₹30,000.

**(II) MORE THAN TWO SELF OCCUPIED HOUSES**

1. In such cases **two house** is treated as self-occupied and all the other house as deemed to be let out.

**Question 1:** Pritam occupied three flats for his residential purpose, particulars of which are as follows:

	<b>Flat 1</b>	<b>Flat 2</b>	<b>Flat 3</b>
Municipal Valuation	90,000	45,000	1,20,000
Fair Rent	1,20,000	40,000	1,40,000
Fair rent under Rent Control Act	80,000	N.A.	1,00,000
Fire Insurance	1,000	600	2,000
Municipal Taxes paid	10%	10%	10%
Interest payable on Capital borrowed For purchase of flat	40,000	NIL	40,000

Compute his income from house property.

**(III) Treatment of Property held as Stock in Trade [Section 23(5)]**

Where the property consisting of any building or land appurtenant thereto is held as stock-in-trade and the property or any part of the property is not let during the whole or any part of the previous year, the annual value of such property or part of the property, for the period up to **two years** from the end of the financial year in which the certificate of completion of construction of the property is obtained from the competent authority, shall be taken to be *nil*.”.

**Example:** M/s Kunj Niwas Developers completes construction of 6 flats on 25/3/2019, obtains certificate of completion from competent authority and the flats remain unsold, then tax treatment would be as under:

F.Y 2018-19	F.Y.2019-20	F.Y.2020-21	F.Y.2021-22
No tax on notional income.	No tax on notional income.	No tax on notional income.	Tax on Expected rent.

**3. Profit and Gains from Business or Professions**

<b>(i)</b>	
40(a)(i)	Where any amount is payable/paid to Non-resident, tax must be deducted at source in accordance with the provisions of The Income Tax Act and the same must be deposited within return filing date, failing which 100% of the amount so paid (which is chargeable to Income Tax Act) shall be disallowed. <b>[Refer Note 1]</b> However, if TDS is deposited in subsequent financial year then the same shall be allowed as deduction in next financial year.
40(a)(ia)	Where any amount is payable/paid to Resident, tax must be deducted at source in accordance with the provisions of The Income Tax Act and the same must be deposited within return filing date, failing which 30% of the amount so paid/payable (which is chargeable to Income Tax Act) shall be disallowed. <b>[Refer Note 1]</b>  However, if TDS is deposited in subsequent financial year then the same (i.e. 30% of the expenditure) shall be allowed as deduction in next financial year.  <b>Note 1.:</b> where resident payer fails to deduct tax but the payer furnish a certificate of Chartered Accountant that <b>the payee has furnished his return</b> by including such income and has paid tax on income declared in return, <b>then it shall be deemed that the assessee has deducted and paid the tax on the date of furnishing of return of income by the payee.</b> <b>[Refer chapter TDS section 201]</b>

(ii)	
43B	<p><b>CERTAIN DEDUCTIONS TO BE ALLOWED ON PAYMENT BASIS ONLY</b></p> <p><b>Following expenses allowed as deduction on payment basis –</b></p> <ol style="list-style-type: none"> <li>1. Tax, duty, cess or fee payable to Govt. e.g, Goods and Services Tax.</li> <li>2. Bonus or Commission to employees [if not paid as profit/dividend]</li> <li>3. Leave Salary to employees</li> <li>4. Employers contribution to Provident fund or other fund for welfare of employees.</li> <li>5. Interest on loan or advance taken from a scheduled bank, Public Financial Institution, co-operative bank (other than a primary agricultural credit society or a primary co-operative agricultural and rural development bank) and <b>NBFC (whether deposit taking NBFC or systemically important non-deposit taking NBFC)</b> .</li> </ol> <p><i>Systemically important non-deposit taking NBFC means NBFC not accepting or holding public deposits and having total assets of not less than ₹500 crore as per last audited balance sheet and is registered with RBI.</i></p> <ol style="list-style-type: none"> <li>6. any sum payable to the Indian Railways for the use of railway assets</li> </ol> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. The payment for above items should be made within the same previous year or within return filing date. If payment is made thereafter then it will be allowed as deduction in the year in which payment is made.</li> <li>2. It is to be noted that deduction in respect of interest to Scheduled Banks (including co-operative Banks) or Financial Institutions <b>and NBFC (whether deposit taking NBFC or systemically important non-deposit taking NBFC)</b>, shall be allowed only if such interest has been actually paid and any interest which has been converted into loan or advance shall not be deemed to have been actually paid.</li> <li>3. Further, if in any earlier year deduction was allowed on accrual basis, then no deduction is allowed in the year of payment.</li> </ol>

**(III) RECEIPT/PAYMENT OTHER THAN CASH UNDER INCOME TAX -**

Amendment in section -	Mode of payment by – A/C payee Cheque/draft or ECS though Bank account/ through such other e-mode a may be prescribed.
○ 35AD -Deduction allowed to specified business.	For Payment exceeding ₹10,000
○ 43(1)- Cost of asset added to WDV.	For payment exceeding ₹10,000.
○ 40A(3)- Expenses in cash not allowed.	For payment exceeding ₹10,000 (₹35,000 for freight)
○ 43CA – Special provisions for sale of land or building held as stock in trade	Stamp value on the date of agreement to be considered, if advance made in above specified mode.
○ 44AD – Presumptive taxation scheme	Rate of PTS- 6%, if payment received in above specified mode
○ 50C- Special provisions for sale of land or building held as capital assets	Stamp value on the date of agreement to be considered, if advance made in above specified mode.
○ 56(2)(x) – Taxability of Gift.	Stamp value on the date of agreement to be considered, if advance made in above specified mode.
○ 13A – Income of political party	Donation exceeding ₹2,000. [Not in CA Intermediate Course]

○ 80JAA	Salary paid to employee for claiming 30% additional deduction.
<b>(iv) Revised Rate of Depreciation for Motor Vehicle</b>	<p>Depreciation on WDV -  @ 30%, for Motor cars, other than those used in a business of running them on hire, acquired and put to use between 23.8.2019 to 31.3.2020. [For other case 15%]</p> <p>@ 45%, for Motor buses, motor lorries and motor taxis used in a business of running them on hire, acquired and put to use between 23.8.2019 to 31.3.2020. [For other case 30%]</p>
<b>(v) Employer's Contribution to NPS u/s. 80CCD</b>	<p>Allowable business expenses shall be –  (a) amount contributed or (b)10%/14%* of the salary, whichever is lower. [14% if contribution is made by Central Govt.]</p> <p>"Salary" = Basic +DA forming part of salary but excludes all other allowances and perquisites.</p> <p><i>Example: Suppose Employer contributes 15% of employees salary to pension fund. Employees salary amounted to ₹ 10,00,000. In this case the deduction will be equal to ₹ 1,00,000. However, if the contribution is made by Central Govt, then deduction shall be ₹1,40,000.</i></p>

#### 4. CAPITAL GAINS

(i)

Cost Inflation Index(CII) for F. Y 2019-20	289
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#### (ii) FULL VALUE OF CONSIDERATION IN CASE OF UNQUOTED SHARES [SECTION 50CA]

W.R.T. Unquoted share, section 50CA provides that Full Value of consideration shall be actual sale value or Fair Market Value whichever is higher.

**Provided that the provisions of this section shall not apply to any consideration received or accruing as a result of transfer by such class of persons and subject to such conditions as may be prescribed. [Exemption similar to section 56(2)(x) expected to be notified]**

(iii)

SEC	EXEMPTION FOR	TIME LIMIT	WITHDRAWAL
54 Individual /HUF	<p>Transfer of Long term capital assets being Residential House and purchase of <b>one</b> residential house or constructs <b>one</b> residential house <b>in India.</b>  The exemption = Cost of New Residential House/Amount deposited in CGDS before return filing date.</p> <p><b>[if the capital gains does not exceed ₹ 2 crores, the assessee can take exemption on acquisition/construction of two</b></p>	<p>Purchase 1yr before or 2yrs from transfer date or construct in 3yrs from transfer date.</p>	<p>1.If new assets sold within 3 years, then cost of new asset is reduced by amount exempted earlier.</p> <p>2. Any amount remaining unutilized in capital gain deposit account shall be taxed as Long Term Capital Gains after 3 years from the date of transfer of original asset.</p>

**residential houses in India instead of one house, this option can be exercised once in a life time]**

**Capital Gain Deposit Scheme (CGDS)**: In order to avail exemption the assessee should purchase or construct the house within return filing date. Alternatively, the assessee can claim exemption by depositing the amount in capital gain deposit account within return filing date.

#### **(iv) Amalgamation/Demerger**

1. Any transfer, in scheme of amalgamation, of a capital asset by the amalgamating company to the amalgamated company if the latter company is an Indian company [Section 47(vi)]
2. Any transfer by a shareholder, in a scheme of amalgamation of share(s) held by him in amalgamating company, if the transfer is made in the consideration of the allotment to him of any share(s) in the amalgamated company [**except where the shareholder itself is the amalgamated company**] and the amalgamated company is an Indian Company
3. Any transfer in a demerger of a capital asset by the demerged company to resulting company provided that resulting company is an Indian company .[Section 47(vib)]
4. Any transfer or issue of shares by the resulting company, in a scheme of demerger to the shareholders of the demerged company if the transfer or issue is made in consideration of demerger of the undertaking.[Section 47(vid)]

**Note:** The condition that the shareholder will get shares of amalgamated company is not possible in a case where the amalgamated company itself is the shareholders of amalgamating company. Because a company cannot issue share to itself. Therefore the amendment has been made to exclude it from such conditions. However, the amalgamated company shall require to issue shares to other shareholders.

For example: (1) A Ltd. a 100% subsidiary of B Ltd. get amalgamated in to B Ltd. → In this case B Ltd. is the only shareholders of A Ltd. therefore not possible to issue shares to itself.

(2) A Ltd. get amalgamated in to B Ltd. B Ltd. holds 20% shares in A Ltd. → In this case B Ltd. required to issue only 80% shares to other shareholders.

**Note:** Similar provisions is also applicable for demerger also.

#### **Other Relevant conditions for tax-neutral demergers [Section 2(19AA):**

- (i) all the property of the undertaking and liabilities, being transferred by the demerged company, immediately before the demerger, becomes the property and liabilities of the resulting company by virtue of the demerger.
- (ii) the property and the liabilities of the undertaking or undertakings being transferred by the demerged company are transferred at values appearing in its books of account immediately before the demerger. **However, an Ind AS compliant resulting company can book the value different from the book value of the demerged company.**
- (iii) the resulting company issues, in consideration of the demerger, its shares to the shareholders of the demerged company on a proportionate basis except where the resulting company itself is a shareholder of the demerged company;

- (iv) the shareholders holding not less than 3/4<sup>th</sup> in value of the shares in the demerged company (other than shares already held therein immediately before the demerger, or by a nominee for, the resulting company or, its subsidiary) become shareholders of the resulting company.
- (v) the transfer of the undertaking is on a going concern basis;

**(v) Global Depository receipts, Rupee denomination bond etc. [Section 47(viiab)]**

Any transfer of a capital asset, being-

- (a) bond or Global depository receipt; or  
 (b) rupee denomination bond of an Indian company; or  
 (c) derivative



**(d) such other securities as may be notified by the Central Government in this behalf,**

made by a Non-resident on a recognized stock exchange located in any International Financial Service Centre (IFSC) and where the consideration for such transaction is paid or payable in foreign currency shall be treated as exempted transfer.

Note – Income received by a Category III Alternative Investment Fund by way of transfer of above securities held by a non-resident in IFSC and where the consideration for such transaction is paid or payable in convertible foreign exchange, shall be exempt u/s. 10(4D).

**5. Income from other sources**

**(I) Issue of Shares at a price higher than FMV [Section 56(2)(viib) [ANGEL TAX]]**

Where a closely held company receives from any person being a resident, any consideration for issue of shares at premium the aggregate consideration received for such shares as exceeds the fair market value of the shares shall be taxable in the hands of such company. However, in the following case nothing shall be taxable where consideration for issue of share is received by –

- (i) by a venture capital undertaking from a venture capital company or a venture capital fund or a **specified fund (Category I or II Alternative Investment Fund)**.
- (ii) an eligible start-up company from a resident for issue of shares. **However, if such company fails to satisfy prescribed conditions, then income not taxable earlier shall be deemed to be taxable in the year of failure and such company is also liable to penalty @ 200% as misreporting of income.**

**Question 2:** X Pvt. Ltd. issued shares as under. Discuss the taxability in the hands of X Pvt. Ltd u/s. - 56(2)(viib)

	I	II	III
Face value of shares	₹ 10 per share	₹ 10 per share	₹ 10 per share
Shares issued for	₹ 40 per share	₹ 9 per share	₹ 11 per share
Fair market value	₹ 20 per share	₹ 8 per share	₹ 12 per share
No. of subscription	1000	1000	1000

**Question 3:** In case 1 above, what is the consequence if –

- (i) the shareholder are non-resident



- (ii) the shareholder is a venture capital company
- (iii) X Pvt. Ltd. is an eligible start-up company.

**Ans:** In all of the three cases, nothing shall be taxable u/s. 56(2)(viib)

## **(II) EXEMPTED CASES U/S. 56(2)(X): TAXABILITY OF GIFT/PURCHASE AT LOWER CONSIDERATION**

### **Exemptions**

Provided that this clause shall not apply to any sum of money or any property received—

- (I) from any relative; or
- (II) on the occasion of the marriage of the individual; or
- (III) under a will or by way of inheritance; or
- (IV) in contemplation of death of the payer or donor, as the case may be; or
- (V) from any local authority; or
- (VI) from any educational institution/hospitals u/s 10(23C) or Charitable Trust U/s 12AA.
- (IX) by way of transaction which is an exempted transfer U/s 47 (i) (iv) (v) (vi) (via) (viaa) (vib) (vic)(vica) (vicb) (vid) (vii) ; or
- (X) from an individual by a trust created or established solely for the benefit of relative of the individual.
- (XI) from such class of persons and subject to such conditions, as may be prescribed.**

## **6. Income Exempted**

- (1) Interest payable on rupee denominated bond issued from 17.9.2018 to 31.3.2019, by Indian Company or business trust to non-resident shall be exempt u/s. 10(4C)
- (2) Interest payable to non-resident by a unit located in an International Financial Services Centre (IFSC) in respect of monies borrowed by it on or after 1.9.2019 shall be exempt u/s. 10(15)(ix)

## **(3) Buy back of shares**

- (a) **Shares of listed company<sup>w.e.f.5.7.2019</sup> or unlisted company/Private Company:** The company will pay distribution tax @ 23.296% and capital gain shall be exempted in the hands of shareholders u/s. 10(34A).

**Question 4:** X Ltd. issued shares on 1.3.2019 @ ₹ 75 per share to various investors in a private placement. One of the shareholders, Mr. X purchased 10,000 shares in the company. On 1.1.2020 X Ltd made a buyback of these shares @ 200 per share. Compute Total Income of Mr. X and the liability in the hands of the Company :

- (a) X Ltd. is a listed company and other income of Mr. X is ₹ 6,00,000.
- (b) X Ltd is unlisted company.

**Solution:** In both the cases: Capital Gains shall be exempted in the hands of shareholder. However, the company shall be liable to pay tax @ 23.296% of 10000 shares x ₹ (200 – 75) i.e. ₹ 2,91,200

## **7. Chapter VIA**

### **(I) Section 80C: New entry**

Contribution to Tier II NPS A/c (Additional account as specified u/s. 20(3) of the PFRDA Act, 2013) by **employee of Central Govt.** also eligible for deduction u/s. 80C, provided that amount deposited and invested for a fixed period of 3 years or more. Subject to overall deduction of ₹ 1,50,000 u/s. 80C and 80CCE. [Note- Tier 1 NPS A.c (pension plan) is covered u/s. 80CCD]

**(II)**

80CCD [Tier I NPS A.c]	Amount invested in new pension trust 1) Self employed [Section 80CCD(1)]	Lower of the following - (a) Amount contributed or (b) <b>20%</b> of GTI
	2) Employed:- <b>a) <u>Employer contribution [Sec. 80CCD(2)]</u></b> To Pension fund of new pension trust: First taxable under salary.	Lower of the following - (a) Amount contributed or (b) 10%/14% of Salary <b>[10% for other employer and 14% for Central Govt.)</b>  <b>[limit of 1,50,000 not applicable]</b>
	<b>(b) <u>Employee contribution [Sec 80CCD(1)]</u></b> To Pension fund of new pension trust	Lower of the following - (a) Amount contributed or (b) 10% of salary

Meaning of salary: Basic + D.A (if forming part).

**NPS a/c is of two types:**

- Tier I [Retirement/Pension plan]-eligible for deduction u/s. 80CCD
- Tier II (voluntary investment plan) eligible for deduction u/s. 80C for Central Govt. Employee.

SECTION 80CCE	SEC 80C + SEC80CCC + SEC 80CCD(1) (i.e, other than employer's contribution to Pension Fund of Section 80CCD)	Maximum Limit ₹1,50,000
Section 80CCD(1B)	Contribution made to NPS of the Central Govt. [Tier 1]	₹ 50,000 (over and above the above limit)

**(III)**

Section	Particulars	Amount of deduction	Conditions
80EE [Individual]	Interest payable on loan taken from any Financial Institution (Banking Company or Housing Finance Company) for acquiring a residential house property	Maximum ₹ 50,000 from A.Y 2017-18	(i) The amount of Loan should not exceeds ₹ 35 lakhs and it must be sanctioned between 1.4.2016 and 31.3.2017. (ii) the value of the residential house property does not exceed ₹ 50 lakh; (iii) the assessee does not own any residential house property on the date of sanction of loan.
80EEA [Individual not eligible to claim deduction u/s. 80EE]	Same as above	Maximum ₹ 1,50,000 from A.Y 2020-21	(i) The Loan must be sanctioned between 1.4.2019 and 31.3.2020. (ii) the stamp value of the residential house property does not exceed ₹ 45 lakh; (iii) the assessee does not own any residential house property on the date

			of sanction of loan.
<b>80EEB</b> [Individual]	Interest payable on loan taken from banks/NBFC for purchase of an electric vehicle	Maximum 1,50,000 from A.Y 2020-21	The Loan must be sanctioned between 1.4.2019 and 31.3.2023. “electric vehicle” means a vehicle which is powered exclusively by an electric motor whose traction energy is supplied exclusively by traction battery installed in the vehicle and has such electric regenerative braking system, which during braking provides for the conversion of vehicle kinetic energy into electrical energy;

**Question 5:** Mr. X has acquired a property for his residential use and for which he takes a loan from SBI on 1.4.2019. **Other information are as under-**

- i) on 1.4.2019 he does not own any other residential property
- ii) the amount of loan ₹ 30 lakhs @ 12% interest p.a
- iii) The stamp value of property ₹ 35 lakhs.
- iv) The loan is unpaid.

Compute Total Income if he is getting salary of ₹ 5,00,000 for the A.Y 2020-21.

**Solution:** Computation of Total Income of Mr. X for the A.Y 2020-21

PARTICULARS	₹	₹
(A) Income under the head salary	5,00,000	
Less:-deduction u/s 16(ia)	(50,000)	<b>4,50,000</b>
A. <b>Income from House property</b>		
Net Annual Value	NIL	
Less: Interest on loan U/s. 24(b)		
(i) Actual interest	3,60,000	
ii) Maximum limit	<u>2,00,000</u>	<u>(2,00,000)</u>
<b>Gross Total Income</b>		2,50,000
<b>Less: Deduction u/s. 80EEA</b>		
Total Interest (-) interest allowed u/s. 24(b)	160,000	
Maximum limit	<u>150,000</u>	<u>1,50,000</u>
<b>Total Income</b>		<b>1,00,000</b>

## 7. INCOME DEEMED TO ACCRUE OR ARISE IN INDIA (SECTION 9) ( Briefly Put )

1. Capital Gain & Income from house property is accrued at a place where property is located.

[Shares of a foreign company which derives its value substantially from assets located in India shall be deemed to be capital assets located in India]

2. Interest income is accrued at a place where loan is utilised. However, if interest is earned from Govt. then it shall always be accrued in India.

3. Royalty income and fees for technical services is accrued at a place where services are used. However if royalty is earned from Govt. then it shall always be accrued in India.

4. Salary income is accrued at a place where services are rendered. However if an Indian citizen is deputed outside India by Govt, then salary income shall always be accrued in India.

5. Business income is accrued at a place where business is carried on. [However, no income shall deem to accrue or arise in India where the business of non-resident is confined to purchase goods in India only for the purposes of export]

6. Dividend paid by Indian company shall be deemed to be accrued in India even paid outside India. However, dividend declared by foreign company outside India shall not be deemed to be accrued in India

**7. any sum of money or value of property referred to in section 56(2)(x), paid by a person resident in India to a non-resident in India on or after 5.7.2019, shall be deemed to be accrue or arise in India and taxable in the hands of non-resident as provided in section 56(2)(x).**

## **8. SELF-ASSESSMENT [SECTION 140A]**

(i) Where any tax is payable by the assessee on the return filed u/s 139/142/148/~~153A~~ after taking into account the tax already paid (including **relief u/s. 89**, tax credit u/s. 115JAA/115JD), he shall be liable to pay tax together with interest u/s 234A, 234B and / or 234C, and fee u/s 234F for delay in filing return or default & delay in payment of tax as the case may be.

(ii) Where any amount paid by the assessee u/s 140A (i) falls short of the aggregate of tax as aforesaid, it shall be first adjusted towards interest and fee, then the balance shall be adjusted towards tax payable.

(iii) If any assessee fails to pay the whole of tax & interest or fee he shall be deemed to be an assessee in default in respect of tax & interest & the provision of the Act shall apply accordingly.

## **9. Computation of Advance tax and Tax due for section 234A,234B AND 234C**

(1) An assessee has to estimate his current income and pay advance tax thereon. He need not submit any estimate or statement of income to the Assessing Officer, except where he has been served with notice by the Assessing Officer.

(2) The Assessing Officer, if he is of the opinion that assessee is liable to pay advance tax, can serve an order under section 210(3) requiring the assessee to pay advance tax.

(3) The above order can be served by the Assessing Officer at any time during the financial year but not later than the last date of February.

(4) If the assessee feels that his own estimate of advance tax payable would be less than the one sent by the Assessing Officer, he can file estimate of his current income and advance tax payable thereon.

(5) In all cases, the tax calculated shall be reduced by the amount of tax deducted /collected at sources/AMT Credit/ **tax relief u/s.89**.

## **10. Provisions of TDS and TCS**

194A	Interest other than Interest on Securities  i.e, Interest on FD/RD	If the payer is a banking company including co-operative banks or in case of deposit under post office - ₹ <b>40,000</b> p.a/ ₹ 50,000 (for senior citizen)  (The ceiling limit applies with respect to aggregate of payment made by all branches having core banking solutions). In case of Non-CBS, limit applicable for each branch	<b>10%</b>	Tax need not be deducted in the following cases:  (a) Interest paid or credited by firm to its partners  (b) Interest paid to Banking companies, UTI, notified institution etc.  (c) Interest on saving bank account.  (d) Interest paid to Housing and
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		separately) <b>In any other case: ₹5000 p.a.</b>		Urban Development Corporation Ltd. (HUDCO), New Delhi.  <b>Note-</b> Such banking co./co-operative society/public co. shall require to furnish prescribed statement in respect of payment of interest not exceeding the ceiling limit to residents without deduction of tax.[Sec. 206A]
194I	Rent	<b>2,40,000 p.a.</b>	<b>TDS rate For Rent on Plant, Machinery and equipment @ 2%  For Rent on Land &amp; Building, furniture and fixture @ 10% for all person</b>	1. Ownership not relevant. 2. The limit of ₹ 2,40,000 shall separately apply to each co-owner 3. Rent includes any non – refundable deposit.

**Question 6:** X Ltd pays rent for building ₹ 2,00,000 and rent for plant and machinery ₹ 1,00,000 to Y.

**Answer:** Total rent to Y exceeds ₹ 2,40,000. Hence tax should be deducted at source –

10% on ₹ 2,00,000 for rent of building	20000
2% on ₹ 1,00,000 for rent of plant and machinery	<u>2000</u>
	<u>22000</u>

194DA	Payment to a resident in respect of Life Insurance Policy (including Bonus)	No deduction:- (i) if aggregate payment is less than ₹ 1,00,000 during the financial year.  (ii) if payment covered u/s. 10(10D).	<b>1%*</b> (at the time of payment)	* <i>5% on the amount of income comprised therein [i.e Total sum received – Premium paid][w.e.f 1.9.2019]</i>
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**Question 7:** Determine the amount of tax required to be deducted by LIC on payment of maturity amount to the following different persons who are resident of India for the P.Y 2019-20

Annual premium	Total premium paid	Amount received
12,000	60,000	80000
10,000	2,40,000	3,00,000
50,000	1,30,000	1,80,000

**Solution:** Write the newly inserted provisions of section 194DA.

(i) NO TDS u/s. 194DA. Since the payment does not exceed ₹ 1,00,000.

(ii) NO TDS u/s 194DA. Since the amount so received is exempted u/s. 10(10D) as the premium does not exceed 10% of sum assured.

(iii) TDS @ 5% u/s. 194DA attracted on ₹ 50,000 [1,80,000 – 1,30,000] . Since the annual premium exceeds 10% of sum assured and therefore not exempt u/s. 10(10D). Further, the aggregate payment also exceeds ₹ 1,00,000.

194-IA	Payment on transfer of certain immovable property [other than agricultural land and compulsory acquisition]	₹50,00,000*	1%	The provisions of section 203A (i.e. obtaining TAN No.) shall not apply to a person required to deduct tax in accordance with the provisions of this section.  <i>*Consideration shall include all charges of the nature of club membership fee, car parking fee, electricity or water facility fee, maintenance fee, advance fee or any other charges of similar nature, which are incidental to transfer of immovable property. [w.e.f 1.9.2019]</i>
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Section No.	Nature	Limit	Rate	Remarks
<b>Section 194M</b> <b>Individual/ HUF not liable for tax audit or paying for personal use</b> <b>w.e.f 1.9.2019</b>	Individual not liable to deduct tax u/s. 194C,194H &194J for following payment to any resident for – (i) work contract as referred to in sec. 194C (ii) commission or brokerage as referred to in sec. 194H (iii) fees for professional services as referred to in sec. 194J	If aggregate payment exceeds ₹ 50 lakhs in a year	5% At the time of payment or credit, earlier	Deductor is not required to obtain TAN.  Deductee Can apply for lower rate of TDS u/s. 197.
<b>Section 194N</b> <b>[TDS on cash payment]</b> <b>w.e.f 1.9.2019</b>	Banking company, co-operative bank, post office,	<b>Cash payment in aggregate during the year exceed ₹ 1 crore to any person from one or more accounts maintained by the recipient.</b>	2% of sum exceeding ₹ 1 crore At the time of payment	<b><u>NO TDS where payment made to,—</u></b> (i) the Government; (ii) any banking company or co-operative society or a post office; (iii) any business correspondent of a banking company or co-operative society; (iv) any white label automated teller machine operator of a banking company or co-operative society;

			(v) such other person or class of persons, which the Central Government may, by notification in the Official Gazette, specify in consultation with the Reserve Bank of India
<p>Key points:</p> <p>1. TDS @ 2% on excess amount of cash withdrawal of ₹ 1 crore on or after 1.9.2019. Any cash withdrawal prior to 1.9.2019 will not be subjected to TDS.</p> <p>2. ₹1 crore limit is applicable aggregate of one or more accounts maintained for the whole year. Hence, if a person already withdrawn ₹ 1 crore or more in cash upto 31.8.2019 from one or more accounts maintained with a banking company/cooperative bank/post office, TDS @ 2% shall apply on all subsequent cash withdrawals [Press release dated 30.8.2019]</p> <p>3. Deduction is made at the time of payment</p> <p>4. Credit allowed in the year of deduction to account holder and cannot be c/f to next year</p> <p>5. Sum so deducted is deemed to be income received u/s. 198.</p>			
<p>6. Provisions of TDS u/s. 194N shall not be applicable on payment made to following notified person under point (v) above,-</p> <p>(1) <u>Cash Replenishment Agencies (CRA's) and franchise agents of White Label Automated Teller Machine Operators (WLATMO's)</u> maintaining a separate bank account from which withdrawal is made only for the purposes of replenishing cash in the Automated Teller Machines (ATM's) operated by such WLATMO's.</p> <p><u>Condition</u> - The WLATMO have furnished a certificate every month to the bank certifying that the bank account of the CRA's and the franchise agents of the WLATMO's have been examined and the amounts being withdrawn from their bank accounts has been reconciled with the amount of cash deposited in the ATM's of the WLATMO's. [w.e.f 1.9.2019]</p> <p>(2) <u>The commission agent or trader, operating under Agriculture Produce Market Committee (APMC),</u> and registered under any Law relating to Agriculture Produce Market of the concerned State, who has intimated to the banking company or co-operative society or post office his account number through which he wishes to withdraw cash in excess of rupees one crore in the previous year along with his Permanent Account Number (PAN) and the details of the previous year.</p> <p><u>Condition</u> – Such person has certified to the banking company or co-operative society or post office that the withdrawal of cash from the account in excess of rupees one crore during the previous year is for the purpose of making payments to the farmers on account of purchase of agriculture produce and the banking company or co-operative society or post office has ensured that the PAN quoted is correct and the commission agent or trader is registered with the APMC, and for this purpose necessary evidences have been collected and placed on record. [w.e.f 1.9.2019]</p> <p>(3) (a) the authorised dealer (under FEMA) and its franchise agent and sub-agent; and (b) Full-Fledged Money Changer (FFMC) licensed by the Reserve Bank of India and its franchise agent; [w.e.f 1.9.2019]</p> <p><u>Condition-</u></p> <p>(1) Such person should maintain a separate bank account from which withdrawal is made only for the purposes of,- (i) purchase of foreign currency from foreign tourists or non-residents visiting India or from resident Indians on their return to India, in cash as per the directions or guidelines issued by Reserve Bank of India; or (ii) disbursement of inward remittances to the recipient beneficiaries in India in cash under Money Transfer Service</p>			

Scheme (MTSS) of the Reserve Bank of India;

(2) and a certificate is furnished by such person to the bank that withdrawal is only for the purposes specified above and the directions or guidelines issued by the Reserve Bank of India have been adhered to. [Notification No. 80/2019, 15.10.2019]



**DEEMED DEDUCTION OF TAX AT SOURCE & ASSESSEE IN DEFAULT**

→ Where resident payer fails to deduct tax but the payer furnish a certificate of Chartered Accountant that the resident payee has furnished his return by including such income and has paid tax on income declared in return, then it shall be deemed that the assessee has deducted and paid the tax on the date of furnishing of return of income by the payee and shall not be deemed to be assessee in default.

→ Further, Interest u/s. 201A(i) @ 1% shall be payable from the date on which such tax was deductible to the date of furnishing of return of income by such payee.

**Order for assessee in default u/s. 201(1) cannot be made after expiry of 7 years from the end of the financial year in which payment is made or credit is given, or 2 years from the end of the F.Y in which correction statement is delivered, whichever is later.**

**11. Submission of return of Income & Due Dates [Section 139(1)]**

Section 139(1) provides that following persons shall voluntarily file their return of income for any previous year on or before the due date in the prescribed form and manner

(a) a **company** or a **firm** shall compulsorily file its return of income

(b) (i) individual; (ii) HUF; (iii) Association of Persons (iv) Body of Individuals and (v) artificial juridical person shall file their return of income if their Gross Total Income (**before giving exemption u/s.10AA, section 54/54B/54D/54EC/54F/54G/54GA/54GB**) exceeded the maximum exemption limit for such previous year. **However, filing of return is mandatory even though GTI does not exceed maximum exemption limit, if during the previous year such person -**

**(i) has deposited an amount or aggregate of the amounts exceeding ₹ 1 crore in one or more current accounts maintained with a banking company or a co-operative bank; or**

**(ii) has incurred expenditure of an amount or aggregate of the amounts exceeding ₹ 2 lakh for himself or any other person for travel to a foreign country; or**

**(iii) has incurred expenditure of an amount or aggregate of the amounts exceeding ₹ 1 lakh towards consumption of electricity; or**

**(iv) fulfils such other conditions as may be prescribed,**

(c) any other person if their total income exceeded the maximum exemption limit for such previous year.

**Due Dates of Filing of Returns**

<u>Particulars</u>	<u>Due Date (of AY)</u>
(1) Company Assessee	<i>30<sup>th</sup> September</i>
(2) Where the accounts of the assessee are required under this Act or any other law to be audited	
(3) Where the assessee is a working Partner in a firm whose accounts are required to be audited under this Act or under any other law for the time being in force	
(4) in case of any other assessee	<i>31<sup>st</sup> July</i>
(5) Any assessee who engaged in International transaction or Specified domestic transaction and required to submit report u/s. 92E	<i>30<sup>th</sup> November</i>

As per circular (No. 639 dated 13/11/1992) issued by CBDT if the IT department is closed on the last day for filing of return due to holiday the assessee can furnish the return on the next day on which the department is opened.

**EXEMPTION FROM FILING RETURN OF INCOME [SECTION 139(1C)]**

For reducing the compliance burden of small taxpayers, the Central Government has been empowered to notify any class or classes of persons who will be exempted from the requirement of furnishing a return of income.

**Person not required to file return from AY 2019-20 and onwards**

(i) a non-resident, who have any income chargeable under the said Act during a previous-year from any investment in an investment fund set up in an International Financial Services Centre (IFSC) located in India and TDS deducted u/s. 194LBB, and no other income. [Notification No. 55/2019, dated 26.7.2019]

**INTER-CHANGEABILITY OF PAN & AADHAAR [SEC. 139(5E)]**

Notwithstanding anything contained in this Act, every person who is required to furnish or intimate or quote his PAN under this Act, and who,—

(a) has not been allotted a PAN but possesses the Aadhaar number, may furnish or intimate or quote his Aadhaar number in lieu of the PAN, and such person shall be allotted a permanent account number in such manner as may be prescribed;

(b) has been allotted a PAN, and who has intimated his Aadhaar number in accordance with provisions of sub-section (2) of section 139AA, may furnish or intimate or quote his Aadhaar number in lieu of the PAN. [w.e.f 1.9.2019]

**Rule 114(1A): Allotment of PAN on the basis of Aadhar and no other document required.**

Further, Section 139AA provides that, in case of failure to intimate the Aadhaar number, the PAN allotted to the person shall be *made inoperative after the date so notified in such manner as may be prescribed.*

Note- Last Date for intimation of Aadhaar number is extended to 31.3.2020.

**THERE ARE SOME MORE AMENDMENTS WHICH WILL BE COVERED AT THE CLASS ON 31<sup>ST</sup> MARCH 2020. THE SHEET SHALL BE HANDED OVER THEN ONLY**

