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## CASE LAW

**Rakesh Aggarwal v. ITO**

**Decision:** Against the assessee.:

**Reassessment--Validity--**Non-issuance of notice under section 143(2)--No valid return filed by assessee

**Facts:** Assessee challenged legality of reassessment order passed by issuing notice under section 148 on the ground that no valid notice under section 143(2) was issued which is mandatory when case is reopened by AO.

**Held:** The assessee neither filed original return under section 139(1) nor filed any return in response to the notice issued under section 148 on 30-3-2017 within the prior limit of 30 days as stated in the notice under section 148. It filed the return of income only on 23-9-2017. Therefore, these returns cannot be considered as a return in response to the notice under section 148. Therefore, the return filed by the assessee was as such non-est. There is no requirement of issuance of notice under section 143(2), when there is no valid return available before AO. However, the judicial precedent clearly says that while framing the assessment order under section 143(3) read with section 147, AO must issue a notice under section 143(2) as per the proviso to section 143(2) which provides specifically that where a return has been filed by the assessee, either under section 139 or under section 143(1) or under section 148. In this case, there was no such return filed by the assessee. In view of this, it is categorically held that there is no infirmity in holding that there is no requirement of issue of notice under section 143 in the present case.

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## UPDATES AND NOTIFICATIONS

### **\* CBDT grants further relaxation in electronic filing of Income Tax Form 15 CA/15 CB**

As per the Income-tax Act, 1961, there is a requirement to furnish Form 15CA/15CB electronically. Presently, taxpayers upload the Form 15CA, along with the Chartered Accountant Certificate in Form 15CB, wherever applicable, on the e-filing portal, before submitting the copy to the authorized dealer for any foreign remittance. In view of the difficulties reported by taxpayers in electronic filing of Income Tax Forms 15CA/15CB on the portal [www.incometax.gov.in](http://www.incometax.gov.in), it had earlier been decided by CBDT that taxpayers could submit Forms 15CA/15CB in manual format to the authorised dealer till 15th July, 2021.

It has now been decided to extend the aforesaid date to 15th August, 2021. In view thereof, taxpayers can now submit the said Forms in manual format to the authorized dealers till 15th August, 2021. Authorized dealers are advised to accept such Forms till 15th August, 2021 for the purpose of foreign remittances. A facility will be provided on the new e-filing portal to upload these forms at a later date for the purpose of generation of the Document Identification Number.

### **\* Notification No. 80/2021 Central Board Of Direct Taxes**

S.O. 2826(E).—In exercise of the powers conferred by clause (46) of section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies for the purposes of the said clause, 'Haryana Labour Welfare Board' (PAN AAATH2451C), a Board constituted by the State Government of Haryana, in respect of the following specified income arising to that Board, namely:-

- (a) Contribution to the Labour Welfare Fund by the Employers and Employees;
- (b) Unpaid accumulation which were due to employees but not paid to them within a period of 2 years by the Employer;
- (c) Fine on delayed deposit of contribution and unpaid accumulation;
- (d) Interest on loans and advances given to staff of the board; and
- (e) Interest income received from investment.

2. This notification shall be effective subject to the conditions that Haryana Labour Welfare Board, -

- (a) shall not engage in any commercial activity;
- (b) activities and the nature of the specified income shall remain unchanged throughout the financial years; and
- (c) shall file return of income in accordance with the provision of clause (g) of sub-section (4C) of section 139 of the Income-tax Act, 1961.
- (d) shall file the Audit report along with the Return, duly verified by the accountant as

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provided in explanation to section 288(2) of the Income-tax Act, 1961 along with a certificate from the chartered accountant that the above conditions are satisfied.

3. This notification shall apply for the period from 01-06-2020 to 31-03-2021 in the financial year 2020-2021 and also from the financial years 2021-2022, 2022-2023, 2023-2024 and 2024-2025.

**\* Income tax planning for FY 2021-22:**

First quarter of FY 2021-22 is gone and if you haven't done your income tax planning, then it's not too late as there is still eight and half month left to do that. According to tax and investment experts, income tax planning for salaried employees is an important financial event and one must take it seriously as a penny saved is penny earned. Experts went on to add that while doing income tax planning, one needs to first exhaust its ₹1.5 lakh annual limit under Section 80C and then an additional ₹50,000 allowed under Section 80 CCD (1B) on one's investment in National Pension System or NPS scheme. However, this is not enough as there are various other aspects like Mediclaim benefits, tax efficiency of one's investment, etc. that also needs special attention by the taxpayer. Speaking on income tax planning for salaried employees Balwant Jain, a Mumbai-based tax and investment expert said, "The taxpayer should first try to exhaust its Section 80C limit of ₹1.5 lakh per annum. After this, he or she should move towards Section 80 CCD (1B) where an additional ₹50,000 annual benefit is given under NPS scheme investments." Jain said that Section 80C includes options like PF deductions, life insurance premium, school fee for children, etc.



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**CBDT introduced Compliance Check Functionality for Section 206AB & 206CCA of Income-tax Act 1961**

The Central Board of Direct Taxes (CBDT) on June 22, 2021, has issued a notification no. DGIT(S)/ADG(S)-21/Compliance Check/43212021-22 for compliance check functionality for Sections 206AB and 206CCA of the Income tax Act, 1961. This functionality is made available through the reporting portal of the Income-tax Department to check whether a deductee or collectee is a specified person for sections 206AB & 206CCA.

