

INCOME TAX RETURN

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SECTION 139(1): OBLIGATION TO FILE RETURN OF INCOME

Every person:

- (a) Being a **company** or a **firm**; or
- (b) Being a person other than a company or a firm, if his **total income** or the total income of any other person in respect of which he is assessable under this Act during the previous year **exceeded the maximum amount which is not chargeable to tax**,

shall, on or before **due date**, furnish a return of his income or the income of such other person during the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed.

FOURTH PROVISIO TO SECTION 139(1)

Provided also that a person,

- Being a **person other than not ordinarily resident in India**
- Who is **not required to furnish a return** under this sub-section; and
- Who during the previous year holds as a beneficial owner or otherwise, any **asset (including any financial interest in any entity) located outside India or has signing authority in any account located outside India, or**
- Is a **beneficiary** of any asset (including any financial interest in any entity) located outside India,
- Shall **furnish** on or before the due date,
- A **return** in respect of his income or loss for the previous year in such form and verified in such manner and setting forth such other particulars as may be prescribed.

FIFTH PROVISIO TO SECTION 139(1)

Provided also that

- Nothing contained in the fourth proviso shall apply
- To an individual,
- Being a beneficiary of any asset (including any financial interest in any entity) located outside India where,
- Income, if any, arising from such asset is includible in the income of the person referred to in clause (a) of that proviso in accordance with the provisions of this Act.

SIXTH PROVISOR TO SECTION 139(1)

Provided also that every person,

- Being an **Individual** or
- A **Hindu Undivided Family** or
- An **Association of Persons** or a **Body of Individuals**, whether incorporated or not, or
- An **Artificial Juridical Person**,
- If his **total income** or the total income of any other person in respect of which he is assessable under this Act during the previous year,
- **Without** giving effect to the **provisions of Chapter VI-A**
- **Exceeded the maximum amount** which is not chargeable to tax,
- Shall, on or before the **due date**,
- **Furnish a return** of his income or the income of such other person during the previous year, in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed.

DUE DATE

- Where the assessee is [other than assessee referred to in clause (b)]:
 - (a) A Company; or
 - (b) A person (other than a company) whose accounts are required to be audited under the Income Tax Act or under any other law; or
 - (c) A working partner of a firm whose accounts are required to be audited under the Income Tax Act or under any other law
 - 30th September of the Assessment Year

DUE DATE

- In case of an assessee who is required to furnish report of transfer pricing under Section 92E

-30th November of the Assessment Year

- In the case of any other assessee

-31st July of the Assessment Year

ELECTRONIC FILING OF RETURN

It is mandatory for the following assesseees to file the return electronically:

- (a) All **Companies** (with Digital Signatures)
- (b) **Partnership Firms, Individual and HUFs** subject to tax audit under Section 44AB (with Digital Signatures)
- (c) An **Individual or HUF** whose total income exceeds Rs. 5 Lakhs (Digital Signatures are optional).

PENALTY FOR NOT FILING RETURN OF INCOME BY STIPULATED TIME

Section 271F: If a person who is required to furnish a return of income, as required under Section 139(1) or by the provisos to that sub-section, fails to furnish such return before the end of the relevant Assessment Year, the Assessing Officer shall direct that such person shall pay, by way of penalty, a sum of Rs. 5,000.

Section 273B: Notwithstanding anything contained in the provisions of Section 271F, no penalty shall be imposable on the assessee for the failure referred to in section 271F, if he proves that there was reasonable cause for the said failure.

LOSS RETURN

Section 139(3): If a person has sustained a loss under the head PGBP or Capital Gains and claims that such loss should be carried forward u/s 72, 73, 74, 74A, then he may furnish a return of loss within the time prescribed u/s 139(1) and all provisions of IT Act shall apply as if it were a return furnished u/s 139(1).

Section 80: Notwithstanding anything contained in Chapter VI, the loss which has not been determined in pursuance of a return filed in accordance with the provisions of Section 139(3), shall not be allowed to be carried forward and set-off u/s 72 or 73 or 74 or 74A.

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It has been decided to condone the delay in filing of returns having a claim of carry forward of losses. If such return is filed late, then the delay in filing of loss return in case of genuine hardships can be condone by:

- CIT if the returned loss is upto Rs. 10,000.
- Chief CIT if the returned loss exceeds Rs. 10,000 but is upto Rs. 1,00,000.
- CBDT if the returned loss exceeds Rs. 1,00,000.

SECTION 139(4): BELATED RETURN

- If a person has not furnished the return of income
- Within the time allowed u/s 139(1),
- Or within the time allowed under a notice issued u/s 142(1),
- Then he may furnish the return of income at any time before the expiry of 1 year from the end of the relevant AY
- Or before the completion of assessment, whichever is earlier.

SECTION 139(5): REVISED RETURN

- If any person having furnished a return u/s 139(1)
- Or in pursuance of a notice issued u/s 142(1),
- Discovers any omission or wrong statement therein,
- Then he may furnish a revised return at any time
- Before the expiry of one year from the end of the relevant AY
- Or before the completion of assessment, whichever is earlier.

SECTION 140: WHO SHALL VERIFY THE RETURN

- In case of an Individual:

(i) By the individual himself

(ii) Where the individual is absent from India, then by the individual himself or by any other person duly authorised by him

(iii) In case where he is mentally incapacitated, then by his legal guardian or any person competent to act on his behalf

(iv) If for any other reason the individual is not able to sign, then by any person duly authorized by him.

In cases (ii) & (iv) above, the person verifying the return should have a valid power of attorney from the individual to do so which should be attached with the return of income.

SECTION 140: WHO SHALL VERIFY THE RETURN

- In case of a partnership firm:
 - (i) By the managing partner
 - (ii) If there is no managing partner or if the managing partner is not able to verify because of unavoidable reasons, then by any partner of the firm not being minor.

SECTION 140: WHO SHALL VERIFY THE RETURN

- In case of a Limited Liability Partnership:
 - (i) By the designated partner thereof, or
 - (ii) Where there is no designated partner as such, or, where for any unavoidable reason such designated partner is not able to verify the return, by any partner thereof.
- In case of an HUF:
 - (i) By the Karta
 - (ii) If the Karta is absent from India or is mentally incapacitated, then by any adult member of the family.

SECTION 140: WHO SHALL VERIFY THE RETURN

- In case of a Company:
 - (i) By the managing director
 - (ii) If there is no managing director or the managing director is not able to verify because of unavoidable reasons, then by any director of the company
 - (iii) In case of a company which is not resident in India, by the person duly authorized by the company (by power of attorney) to verify on his behalf.
 - (iv) In case of a company being wound up, by the liquidator.
 - (v) In case of a company whose management has been taken over by CG or SG, by the principal officer thereof.

SECTION 140: WHO SHALL VERIFY THE RETURN

- In case of a Political Party, by the CEO of the party.
- In case of a Local Authority, by the principal officer thereof.
- In case of AOP or BOI, by any member or the Principal Officer thereof.
- In case of any other person, by that person or by a person competent to act on his behalf.

10 STEPS TO FILE INCOME TAX RETURN ONLINE

1. To e-file your income tax return, you will have to register yourself on tax department's website using your personal details. Your permanent account number (PAN) will be your User ID.
2. There are two ways of e-filing your income tax return. First, you can go to the download section and select the requisite form, save it on your desktop and fill all the details. Click on the generate XML. Then go to the website again and click on the upload XML button. You will have to first log into to upload the XML file saved on your desktop and click on submit.
3. You can go to the Quick e-file section of the website. Log in and select the form and the assessment year for which you are filing return and fill in all the details.

10 STEPS TO FILE INCOME TAX RETURN ONLINE

4. You have to select the forms on the basis of the source of your income. In case of individual with salary or pension income or income from one house property or income from other sources excluding lottery, you have to select form ITR-1, also known as SAHAJ. If you have capital gains, you will have to file ITR-2.

5. You will have to keep a few documents such as your PAN number, Form 16, your interest statement, tax deducted at source (TDS) details and investments proofs handy while e-filing your income tax return.

6. From this year an additional column has been added called "AL" in which you will have to disclose the value of your asset and liabilities at the end of the year, in case your income for the year is more than Rs 50 lakh.

10 STEPS TO FILE INCOME TAX RETURN ONLINE

7. You can also download your Form 26AS, which is your consolidated tax statement summarizing tax paid against your PAN. You can validate your tax return with Form 26AS to check your tax liability.

8. On submitting the form, an acknowledgement number is generated in case the return is submitted using digital signature. If the return is submitted without a digital signature, then an ITR-V is generated and is sent to your registered Email ID. ITR-V is an acknowledgement that your return has been submitted.

10 STEPS TO FILE INCOME TAX RETURN ONLINE

9. You will have to send the signed ITR-V to the centralized processing center at Bengaluru within 120 days of filing the return to complete the tax filing process.

10. You can also e-verify (don't have to send the ITR-V to Bengaluru office) your return through electronic verification by using the e-verify return option on the website. You can also use net banking, Aadhaar-based one-time password to e-verify it.

(For more information on verification of return, visit the following link:

[http://www.cainindia.org/news/7_2016/5_ways_to_verify_your_income_tax_return_.html?tstst=57761cdf02c38&ntitle=5 ways to verify your income tax return \)](http://www.cainindia.org/news/7_2016/5_ways_to_verify_your_income_tax_return_.html?tstst=57761cdf02c38&ntitle=5 ways to verify your income tax return))