

### **CBDT's Notification on due dates: Decrypting all hidden spots**

In the month of March 2020, the Finance Minister, Smt. Nirmala Sitharaman, held a press conference to announce various measures to address the concerns relating to statutory and regulatory compliance. To give effect to such announcement, the Taxation and Other Laws (Relaxation of Certain Provisions) Ordinance, 2020 (hereinafter referred to as 'Ordinance 2020') was promulgated by the President of India.

The Ordinance had provided for the extension of various time-limits under the Taxation and Benami Acts. It also provided for the extension of time-limits contained in the Rules or Notification which are prescribed/issued under these Acts. Considering the situation arising out of COVID-19 pandemic, the Govt. has decided to further extend the due dates for various compliances for the previous years 2019-20 and 2020-21 *vide Notification No. 35 /2020, dated 24-06-2020*.

Section 3(1) of the Ordinance provided that all due dates falling between 20-03-2020 to 29-06-2020 shall stand extended to 30-06-2020. The said provision empowers the Central Government to specify the new cut-off date and to extend the due date. Accordingly, the recent notification provides a new cut-off date of compliances which stands extended to a new due date. The notification provides as under:

*"(i) the 31st day of December, 2020 shall be the end date of the period during which the time limit specified in, or prescribed or notified under, the specified Act falls for the completion or compliance of such action as specified under the said sub-section; and*

*(ii) the 31st day of March, 2021 shall be the end date to which the time limit for completion or compliance of such action shall stand extended."*

Thus, the due dates of all compliances falling between 20-03-2020 to 31-12-2020 shall now be extended to 31-03-2021. The notification, however, provides exceptions by specifically providing the due-date for certain compliances, *inter-alia*, filing of ITR for the assessment year 2020-21, furnishing of TDS/TCS statement of 4<sup>th</sup> quarter of the financial year 2019-20, etc.

Section 3(2) of the Ordinance provides that in case of a delay in payment of tax, the interest shall be charged at a reduced rate of 0.75%. Further, no penalty and prosecution would be levied for such delayed compliance. This relaxation has been provided only in respect of taxes which are due for payment between 20-03-2020 and 29-06-2020 and the assessee has paid the tax on or before 30-06-2020. Thus, taxpayers will continue to be liable to pay full interest and penalty as

specified in the Act for any delay in payment of taxes after 30-06-2020. This provision also empowers the Central Govt. to extend the due date. In absence of any announcement of the extension of payment of tax in the said notification, no concession shall be available to a taxpayer for making delayed payment of TDS, TCS or Advance-tax. The press release dated 24-06-2020 also states that the reduced rate of interest of 9% for delayed payment of taxes, levies, etc. specified in the Ordinance shall not be applicable for the payments made after 30-06-2020.

In this article, we have enumerated the impact of recent notification on various due dates of compliances under the Income-tax Act, 1961 in the below tables.

### I. Extension of due dates relating to Income-tax returns and Audit reports

Section	Nature of compliance	Original Due Date	Due date extended by the Ordinance 2020	New due dates notified on 24-06-2020
Section 139(1)	Filing of original return for the Assessment Year 2019-20	-	-	31-07-2020
Section 139(4)	Filing of belated return for the Assessment Year 2019-20	31-03-2020	30-06-2020	31-07-2020
Section 139(5)	Filing of revised return for the Assessment Year 2019-20	31-03-2020	30-06-2020	31-07-2020
Section 139(1)	<sup>1</sup> Filing of original return for the Assessment Year 2020-21 [Refer Note]			
	(a) If assessee is required to furnish a report of transfer pricing (TP) Audit in Form No. 3CEB.	30-11-2020	-	30-11-2020
	(b) A company assessee	31-10-2020	-	30-11-2020
	(c) Any assessee who is required to get its accounts audited under the Income-tax Act or under any other law	31-10-2020	-	30-11-2020
	(d) An Individual assessee who is a partner in a firm whose accounts are required to be audited.	31-10-2020	-	30-11-2020
	(e) In any other case	31-07-2020	-	30-11-2020
Section 143(1)	Sending an intimation after processing of return of income (ITR), if the return is filed during the financial year 2018-19: (a) Under section 139; or	31-03-2020	30-06-2020	31-03-2021

<sup>1</sup> The extended due date for filing of Income-tax return and revised TDS rates were announced in a press conference held on 13-05-2020. The announcement relating to extended due date has been given effect to through this Notification.

	(b) In response to a notice issued under section 142(1)			
Section 143(3)	Scrutiny assessment under Section 143(3) for the assessment year 2018-19.	30-09-2020	-	31-03-2021 <sup>2</sup>
Section 144	Scrutiny assessment under Section 144 for the assessment year 2018-19.	30-09-2020	-	31-03-2021 <sup>2</sup>
Section 149	Time-limit to issue a reassessment notice, if it expires during 20-03-2020 and 31-12-2020.	-	-	31-03-2021
Section 44AB	Furnishing of tax audit report for the Assessment Year 2020-21	30-09-2020	-	31-10-2020
<p><i>Note:</i> Though the due date for filing of Income-tax Return for the Assessment Year 2020-21 has been extended to 30-11-2020, but no relief shall be provided from the interest chargeable under section 234A if the tax liability exceeds Rs. 1 lakh. Thus, if self-assessment tax liability of a taxpayer exceeds Rs. 1 lakh, he would be liable to pay interest under section 234A from the expiry of original due dates, <i>that is</i>, 31-07-2020 or 31-10-2020. The interest under section 234A shall not be levied if the self-assessment tax liability of taxpayer does not exceed Rs. 1 lakh and ITR if filed within the extended due date, <i>that is</i>, 30-11-2020.</p>				

## II. Extension of due dates relating to TDS and TCS related compliances

Section	Nature of compliance	Original Due Date	Due date extended by the Ordinance 2020	New due dates notified on 24-06-2020
<i>Filing of TDS/TCS Statement</i>				
Section 200 read with Rule 31A or Section 206C read with Rule 31AA	Form 24Q, 26Q, 27Q and 27EQ of Qtr. 4 of the Financial Year 2019-20	31-05-2020	30-06-2020	31-07-2020
	Form 24Q, 26Q, 27Q and 27EQ of Qtr. 1 and Qtr. 2 of the Financial Year 2020-21	As per Rule 31A/31AA	-	31-03-2021
	Form 24QB, 24QC and 24QD of Feb. 2020	30-03-2020	30-06-2020	31-07-2020
	Form 24QB, 24QC and 24QD of March 2020	30-04-2020	30-06-2020	31-07-2020
	Form 24QB, 24QC and 24QD of April to November, 2020	30 days from end of	-	31-03-2021

<sup>2</sup> The PPT used in the press conference, held on 13-05-2020, provided that the due date shall be revised to 31-12-2020. However, after this notification, this due date shall be extended to 31-03-2021.

		month in which tax is deducted		
<i>Issue of TDS/TCS certificate<sup>3</sup></i>				
Section 203 read with Rule 31	Form 16 for tax deducted from salary paid during the Financial Year 2019-20	15-06-2020	30-06-2020	15-08-2020
	Form 16A for tax deducted from payments (other than salary) for Qtr. ending March 31, 2020	15-06-2020	15-07-2020	15-08-2020
	Form 16B/16C/16D for tax deducted under section 194-IA/194-IB/194M during February 2020	14-04-2020	15-07-2020	15-08-2020
	Form 16B/16C/16D for tax deducted under section 194-IA/194-IB/194M during March 2020	15-05-2020	15-07-2020	15-08-2020
Section 206C read with rule 37D	Issue of TCS certificate for the 4 <sup>th</sup> Qtr. of the Financial Year 2019-20	30-05-2020	15-07-2020	15-08-2020
<i>Furnishing of Form 24G by an office of the Government for the month of</i>				
Section 206C/200 read with Rule 37CA/30	February 2020	15-03-2020	-	15-07-2020
	March 2020	30-04-2020	30-06-2020	15-07-2020
	April to November 2020	Within 15 days from the end of the month	-	31-03-2021
Section 200A & section 206CB	Due date to send the intimation for processing of statement of TDS/TCS filed during the Financial Year 2018-19	31-03-2020	30-06-2020	31-03-2021

### III. Extension of other due dates

Section	Particulars	Original Due Date	Due date extended by the Ordinance 2020	New due dates notified on 24-06-2020

<sup>3</sup> The due dates for furnishing of TDS/TCS certificate have been calculated by taking 15 days from extended due date of furnishing statements, that is, 31-07-2020. The press release dated 24-06-2020 also specifies that the TDS/TCS certificate for the financial year 2019-20 can be issued till 15-08-2020.

Section 139AA	Linking of Aadhaar number and PAN	31-03-2020	30-06-2020	31-03-2021 <sup>4</sup>
Section 139AA <i>read with</i> 114AAA	PAN to be treated as inoperative due to non-linking it with Aadhaar number	31-03-2020	31-03-2020	31-03-2020 <sup>5</sup>
Section 54 to 54GB <sup>6</sup>	Making Investments or completing construction or purchase for claiming deduction from capital gains arising during the Financial Year 2019-20. (The extension has been given in those cases where the due date falls between 20-03-2020 to 29-09-2020).	-	30-06-2020	30-09-2020
Chapter VIA (Part B)	Making various tax saving-investments or payments for the Financial Year 2019-20 (Section 80C to 80GGC)	31-03-2020	30-06-2020	31-07-2020
Section 285BA <i>read with</i> Rule 114E	Furnishing of Statement of Financial Transactions (SFT) for the Financial Year 2019-20	31-05-2020	30-06-2020	31-03-2021
-	Passing of order or issuance of notice, notifications, sanction or approval by the authorities, commissioners or tribunal. (The extension has been given in those cases where the due date falls between 20-03-2020 to 31-12-2020).	-	30-06-2020	31-03-2021
-	Filing of appeal, reply or application or furnishing of any report, document etc. (The extension has been given in those cases where the due date falls between 20-03-2020 to 31-12-2020).	-	30-06-2020	31-03-2021

<sup>4</sup> Extension of due date for linking of PAN with Aadhaar has not been mentioned in the Notification. However, CBDT press release, dated 24-06-2020, provides that the date for linking of Aadhaar with PAN would be extended to 31-03-2021.

<sup>5</sup> The Govt. has extended the due date for linking of PAN with Aadhaar. However, no amendment has been made in Rule 114AAA which provides that if an assessee fails to link his PAN with Aadhaar by 31-03-2020, the PAN shall become inoperative.

<sup>6</sup> Notification mentions that the due date has been extended in case of Section 54 *or* 54GB only. However, the press release dated 24-06-2020 provides that the due date has been extended in case of Sections 54 *to* 54GB.

-	Applicability of new procedure for approval, registration or notification of certain entities under Sections 10(23C), 12AB, 35 and 80G	01-06-2020	01-10-2020	01-10-2020 <sup>7</sup>
Direct Tax Vivad se Vishwas Act, 2020	Payment of tax without additional charge <sup>8</sup> .	31-03-2020	30-06-2020	31-12-2020

<sup>7</sup>No further extension has been given in these dates. The Press release dated 24-06-2020 provides that necessary legislative amendments in this regard shall be moved in due course of time.

<sup>8</sup>The Press release dated 24-06-2020 provides that the necessary legislative amendments in this regard shall be moved in due course of time.