# TDS / TCS UNDER INCOME TAX ACT



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# THREE DEE SYSTEM

- ☑ Deduct → AS PER PROVISIONS OF Ch. XVII-B / BB
- ✓ Deposit → WITHIN DUE DATES
- ☑ Declare ➤ BY FILING TDS STATEMENTS

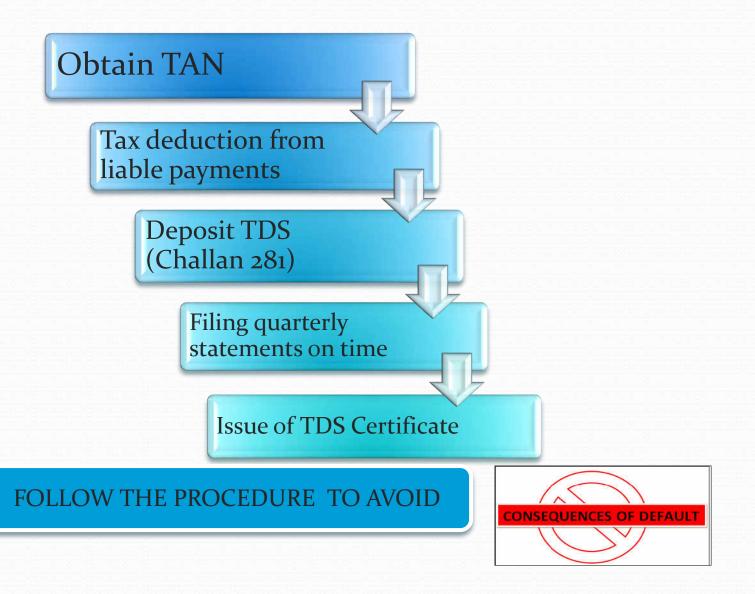
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- ☐ Introduction to TDS
  - ☐ Compliance Provisions
  - ☐ Important Payments covered under the scheme of TDS.
  - □ Details of TDS Return filing
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  - ☐ Practical Hints

### TDS - INTRODUCTION

- Chapter XVII-B deals with the law and procedures
- Enlargement of Scope every year
- More thrust on TDS provisions
  - a) Government getting more revenue
  - b) More number of assesses are covered
  - c) Government has minimum of expenses
- Government forgot basic fact that the deductor is acting as agent of govt. and deserves to be treated reasonably and fairly.
- CA & Article Students needs to have the basic knowledge and Regular update for changes

## STEPS FOR TDS



## PAYER TO OBTAIN TAN

- Every deductor is required to obtain number called TAN (Tax Deduction and Collection Account Number) which is a ten digit alpha numeric number.
- Deductor should obtain TAN by making an application for the allotment of TAN in Form 49B.
- Application should be made with in ONE month from the end of the month in which tax is deducted at source (Section 203A and Rule 114A).

#### PAYER TO OBTAIN TAN

- However, it is advisable to obtain the number before due date or with start of entity.
- TAN should be quoted on all documents as may be prescribed by the Governments like TDS statement, TDS Certificate, TDS Challan etc.
- The Central Govt. can notify person who are not required to obtain TAN (mainly for one time transaction)
- If no application for TAN is made within stipulated period penalty of Rs. 10,000/- can be imposed (**Section 272BB**).

## PAYER TO DEDUCT TAX

- Section 196 No TDS if payee is (i) Govt. or (ii) RBI or (iii) Corporation exempt form Income-Tax or (iv) Mutual Fund specified u/s 10(23D)
- Payer to confirm all requirements like payer, payee, nature of payment, exemption limit etc before TDS
- Payment liable for deduction only under one section
- No TDS on GST / Service tax charged separately in Bill from all kind of payments
- TDS on Salary Annual Circular by CBDT.
- Rule 26 Rate of exchange for TDS on income payable in foreign currency – Telegraphic Transfer Buying Rate by SBI.

## PAYER TO DEDUCT TAX

- Section 4o(a)(i) / (iii) Payment made outside India or to a non-resident within India – non allowablility of expenses
  - (Last date for payment is Income Tax return filing due date u/s 139(1))
- Section 40(a)(ia) Payment made to resident and effect of non-deduction or non payment in time
   ( Last date for payment is Income Tax return filing due date u/s 139(1))
  - (30% of sum paid is disallowed for default)

### PAYER TO PAY TAX

- Payment of TDS by challan No ITNS 281 (For section 194IA – challan in Form no 800)
- Challan to pay with interest if payment made after due date
- Pay different challan for different head. (However, now tdscpc who process TDS statement allows credit for TDS irrespective of section or year.)
- Section 288B Rounding off to the nearest multiple of Rs. 1/-
- Section 276B Prosecution for Non payment of TDS ( not be less than 3 months but which may extend to 7 years & fine)

#### DATES FOR PAYMENT OF TDS

Deductor	For MARCH	For April to February
Government – If payment is made without production of challan	On the same day	On the same day.
Government – If payment is made with challan	On or before 7 <sup>th</sup> of next month.	On or before 7 <sup>th</sup> of next month.
Other than Government	On or before 30 <sup>th</sup> April	On or before 7 <sup>th</sup> of next month
Special Cases	30 <sup>th</sup> April	Quarterly payment on or before 7 <sup>th</sup> of the month succeeding quarter

### PAYER TO FILE FORMS / STATEMENT

- Section 197A Declaration in Form No 15G / 15H
   Declaration received in Form No. 15G / 15H should be uploaded within 15 days from the end of the quarter in which such declaration is received.
- Section 200(3) Quarterly statements
- Section 271H Penalty for default in quarterly statement (from 01.07.2012)
- Section 234E Late filing fees of Rs. 200/- per day (from 01.07.2012)

# PROVISIONS FOR FILING QUARTERLY STATEMENTS

FORM NO.	QUARTERLY STATEMENT PARTICULARS
24Q	TDS from Salaries
26Q	TDS from payment to Residents other than salaries
27Q	TDS from payment to Non Resident

Quarter Ending On	Due date for filling of Form 24Q, 26Q & 27Q (From 01/06/2016 onwards)
30 <sup>th</sup> June	31 <sup>st</sup> July
30 <sup>th</sup> September	31 <sup>st</sup> October
31st December	31 <sup>st</sup> January
31st March	31 <sup>st</sup> May

#### PAYER TO ISSUE TDS CERTIFICATE

- TDS Certificates Form 16 (Salary) & 16A (Other than Salary)
- Certificate issued by downloading from tdscpc site containing unique number is only valid. (Form 16 – part A only)
- Issue of TDS certificate mandatory even if tax is borne by the payer [Circular 785 dt 24/11/99]
- Section 272A(2)(g) Penalty for default in issue of TDS certificate – Rs. 100/- per day.

## ISSUE OF TDS CERTIFICATE (Sec. 203)

Form No.	Certificate For	Periodicity	Due Date of Issue (From 01/06/2016 onwards
16	For Salary	Annual	15 <sup>th</sup> June of following financial year
16A	Other Than Salary	Quarterly	Within 15 days from due date of furnishing the TDS statement under Rule 31A i.e. 15 <sup>th</sup> August, 15 <sup>th</sup> November, 15 <sup>th</sup> February & 15 <sup>th</sup> June.

#### GENERAL INFORMATION FOR PAYER / DEDUCTOR

- Section 195A Grossing Up
   Prof. fees payable 100000/- (net)
   TDS Rate 10 %
   Gross Amount 100000\*100/90 = 1,11,111/ TDS to pay 11,111/
- Refund of excess tax deducted and paid Various CBDT circulars for payment to Resident as well as Non-resident.
- For claim of Refund of excess TDS paid -Form 26B to file electronically under digital signature.

# GENERAL INFORMATION FOR PAYEE / RECEIPIENT

- Section 191 Direct Payment.
- Section 197 Certificate for deduction at lower rate.
- Section 197A Declaration for no TDS.
- Section 198 Tax deducted is income received.
- Section 199 along with Rule 37BA Credit for tax deducted.
- Section 277 False statement / declaration
- Section 139A(5A) Intimation of PAN

#### **REQUIREMENT TO FURNISH PAN (Sec. 206AA)**

- Failing to furnish PAN to deductor shall attract TDS deduction at the higher of the following rates:-
  - At the rate specified in the relevant provision of this Act;
     Or
  - At the rate or rates in force; Or
  - At the rate of 20%.
- The declaration u/s 197A for no TDS shall not be valid without PAN
- Certificate for Lower or Nil TDS u/s 197 shall not be granted by IT Department without PAN.
- Where PAN provided to deductor is invalid or does not belong to deductee, it shall be deemed that deductee has not furnished his PAN.

## PENAL PROVISIONS

Default / Failure	Under section	Nature of demand	Quantum of Demand/Penalty
Failure to deduct Tax	201 (1)	Tax demand	Equal to Tax amount deductible but not deducted
at source	201(1A)	Interest	@ 1 % p.m or part of month on tax deductible
	271 C	Penalty	Equal to Tax amount deductible but not deducted
Failure to deposit TDS	201(1)	Tax demand	Equal to Tax amount not Deposited
acposit 1D5	201(1A)	Interest	@ 1.5 % p.m or part of month of tax not deposited
	276B	Prosecution	Rigorous imprisonment for a term which shall not be less than 3 months but can Extend up to 7 years with fine.

Failure to Pay tax	221	Penalty	Maximum penalty up to TDS Amount.
Failure to mention PAN of the deductee in the TDS statement and certificates	272B	Penalty	Rs. 10,000/-
Failure to apply for TAN u/s 203A	272BB	Penalty	Rs. 10,000/-
Failure to deliver copy of declaration u/s 197A	272A(2)(f)	Penalty	Rs. 100 per day during which the default continues subject to maximum of TDS amount
Failure to issue TDS certificate u/s 203 or 206C	272A(2)(g)	Penalty	Rs. 100 per day during which the default continues subject to maximum of TDS amount
Failure to furnish prescribed statement u/s 200 (3)	272A(2)(k)	Penalty	Rs. 100 per day during which the default continues subject to maximum of TDS amount

Failure to furnish quarterly Returns as prescribed in section 206A(1)	272A(2)(l)	Penalty	Penalty of Rs. 100/- per day during which the default continues.
False statement in verification	277	Penalty	Prosecution – a) If tax evaded exceed 25 Lac - with rigorous imprisonment for a minimum term of 6 months & maximum up to 7 years and fine. b) In any other case – rigorous imprisonment for a minimum term of three months & maximum up to 2 years and fine.
Late filing of TDS statement	234E	Penalty	Rs.200 per day till failure to file TDS statement continues subject to maximum of TDS amount
Failure to furnish TDS Quarterly statement	271H	Penalty	Rs. 10,000/- which can extend up to Rs. 1,00,000/-
Failure to furnish or furnish inaccurate information in respect of payment to Non- Resident	271I	Penalty	Rs. 1,00,000/-

# Various Payment covered under the scheme of TDS.



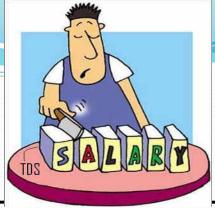
#### Payment covered under the scheme of TDS.

- □ Salary (Sec.192)
- □ Payment of Accumulated balance due to an Employee (Sec.192A)
- ☐ Interest on Securities (Sec.193)
- □ Dividends (Sec.194)
- ☐ Interest other than Interest on Securities (Sec.194A)
- ☐ Winnings from Lotteries or crossword puzzles (Sec.194B)
- ☐ Winnings from Horse Races (Sec.194BB)
- □ Payments to Contractors and Sub-contractors (Sec.194C)
- ☐ Insurance Commission (Sec.194D)
- ☐ Payment in respect of Life Insurance Policy (Sec.194DA)
- □ Payment to Non-resident sportsmen or sports association (Sec.194E)

# PAYMENT COVERED UNDER THE SCHEME OF TDS.

☐ Payment in respect of NSC (Sec. 194EE) ☐ Payments in respect of Repurchase of units of Mutual Funds or UTI (Sec.194F) ☐ Commission on Sale of Lottery Tickets (Sec.194G) ☐ Commission or Brokerage (Sec.194H) ☐ Rent (Sec.194I) ☐ Transfer of certain Immovable Property (Sec.194IA) ☐ Payment of Rent by Individual / HUF (Sec.194IB) ☐ Payment under Joint Development Agreement (Sec.194IC) ☐ Fees for Professional or Technical Services (Sec.194J) ■ Payment of Compensation on acquisition of certain immovable property (Sec.194LA) ☐ Other Sums – Payment to Non-Resident (Sec.195)

## SALARY (Sec.192)



Who is the payer	Any person who is Employer (Including Individual and HUF)
Who is the recipient	Any Employee (whether Resident or Non – Resident person)
Payment Covered	Taxable Salary of the employee
At what time TDS to be deducted	At the time of payment
Maximum amount which can be paid without tax deduction	The amount of exemption limit (e.g. Rs. 2,50,000/- for A.Y. 2019-2020 for person other than senior citizen)
Rate at which tax to be deducted.	Average rate of Income Tax computed on basis of Rates in Force
Is it possible to get the payment without tax deduction or with lower tax deduction	The employee can make application in Form No.13 to the Assessing Officer to get the certificate of lower tax deduction or no tax deduction.

#### IMPORTANT POINTS TO BE CONSIDER

- Estimation of salary at the beginning of the year to calculate TDS.
- TDS to be deducted every month, if applicable.
- The estimate can be changed during the year for various reasons like Increment, Bonus, Leave etc.
- Statement of Loss under any head can not be furnished but a Statement of Loss under the head "income from house property" can be furnished.(Rule 26B)
- Employee can Furnish details of salary received from other employer (if any) during the same financial year in Form 12B.
- Employee can Furnish Other Income & Tax deducted there on to Employer (However, TDS cannot be less than TDS on Salary).

#### IMPORTANT POINTS TO BE CONSIDER

- Employer can pay tax himself without deducting it from salary on non monetary perquisites.
- The tax deducted can be increased or reduced for the purpose of adjusting any excess or deficiency arising out of any previous deduction during the financial year.
- Ensure that the TDS is deducted and paid during the relevant financial year though salary might not be paid – Practical solution to issue TDS certificate in time and employee to get credit of TDS and file Income tax return.
- Form No 12BB to be submitted by employee (w.e.f. o1/06/2016) for Tax Saving investment / payment.
- Obtain & Retain copy of tax saving investments and payment by employees considered while TDS.

# CALCULATION OF AVERAGE RATE OF INCOME TAX

Monthly Salary Rs. 50,000/- (F.Y. 2018-19)

Annual Salary (50,000\*12) 6,00,000

Less: Professional Tax (2,500)

Balance 5,97,500

Less: Standard Deduction (40,000)

Balance 5,57,500

Less: LIC U/S 8oC (50,000)

Taxable Income 5,07,500

Tax on Above Income 14,000/-

(507500-500000)\*20% +12500

Average Tax 14,000/6,00,000\*100 2.33 %

# CALCULATION OF MONTHY SALARY AFTER TAX

Monthly Salary Rs. 50,000

Less: Professional Tax (200)

Balance Salary 49,800

Less: TDS @ 2.33 % (1,165)

(Average Rate of Tax)

(50,000\*2.33%)

Net salary to employee 48,635/-

# INTEREST OTHER THAN INTEREST ON SECURITIES (Sec 194A)

Who is the payer	Any person (not being an individual or HUF whose books of account are not required to be audited under section 44AB in the immediately preceding financial year)
Who is the recipient	A Resident person
Payment covered	Interest other than interest on securities
At what time TDS to be deducted.	At the time of payment or at the time of credit, whichever is earlier
Maximum amount which can be paid without tax deduction	If payer is banking company, co-operative society engaged in banking business Rs 10,000/-p.a. on interest on time deposit (Including RD). Rs. 50000/- p.a. for Senior Citizen from 01.04.2018
	If Payer is any other person Rs 5,000/- p.a.
Rate at which TDS to be deducted	10%
Is it possible to get the payment without tax deduction or with lower tax deduction	Declaration to the payer in Form 15G or 15H as applicable
	30

# EXEMPTION - 194A(3)

- Section 194A(3) gives list of payment where TDS is not required to be made. Some of the items covered are
  - (a) Interest paid to bank, co-operative society engaged in business

of banking

- (b) Interest paid to LIC of India, UTI etc
- (c) Interest paid by firm to a partner
- (d) Interest paid by Co-operative society to a member or any other co-operative society (However, w.e.f. 01/06/2015 exemption to member has been withdrawn)
- However, no exemption is given to Non Banking Finance Companies (NBFC). Hence TDS to be deducted from payment of interest to them.

## EXEMPTION - 194A(3)

- Rs. 10,000/- limit applicable per branch of bank or cooperative society. (However, w.e.f. 01/06/2015 limit applicable to bank as a whole where bank has adopted Core Banking Solution & not per branch.)
- (Limit of Rs. 10,000/- increased to Rs. 40,000/- w.e.f. 01.04.2019 by Finance Bill 2019)
- Individual or HUF to deduct tax for payment exclusively for personal purposes also (no exemption like 194C or 194J).
- The tax deducted can be increased or reduced for the purpose of adjusting any excess or deficiency arising out of any previous deduction during the financial year.

#### **PAYMENTS TO CONTRACTORS AND SUB-CONTRACTORS (Sec.194C)**

Who is the payer	Any person (not being an individual or HUF whose books of account are not required to be audited under section 44AB in the immediately preceding financial year)
Who is the recipient	A Resident person
Rate of TDS	1% - Payment made to Individual & HUF
	2% - Payment made to Others
Payment Covered	Consideration for carrying out any Work
At what time TDS has to be deducted	At the time of payment or at the time of credit whichever is earlier.
Maximum amount which can be paid without tax deduction	The tax is required to be deducted if a single payment exceeds Rs. 30,000/- <b>OR</b>
	if the aggregate payments exceed Rs.1,00,000/- per annum (Limit increased w.e.f. 01/06/2016 from 75,000/-)
No TDS on Transport contracts	No deduction shall be made from any payments made to a contractor during the course of <b>business of plying, hiring or leasing goods carriages</b> , on furnishing of his PAN to the deductor. (See Note 1 on next page)
Is it possible to get the payment without tax deduction or with lower tax deduction	The recipient can make application in Form No.13 to the Assessing Officer to get the certificate of lower tax deduction or no tax deduction.

#### IMPORTANT POINTS TO BE CONSIDER

- TDS to be deducted for carrying out any work (including supply of labour for carrying out work)
- Work shall include
  - a. Advertising,
  - b. broadcasting & Telecasting including production of programme,
  - c. Carriage of goods or passengers by any mode of transport other than by Railways,
  - d. Catering &
  - e. Manufacturing or supplying a product according to requirement or specification of a customer by using material purchased from such customer.

but does not include manufacturing or supplying a product according to the requirement or specification of a customer by using material purchased from a person, other than such customer

#### IMPORTANT POINTS TO BE CONSIDER

- TDS to be deducted for (e) above on invoice value excluding the material value if such value is mentioned separately in the invoice. If value of material is not mentioned separately, TDS to be deducted on whole amount.
- Individual or HUF not to deduct tax for payment exclusively for personal purposes.
- Note 1 From 01/06/2015, the exemption from TDS will be available only to those transporters who own ten or less goods carriage at any time during the year on furnishing a declaration to that effect to the payer along with his PAN.

#### **COMMISSION OR BROKERAGE (Sec. 194H)**

Who is the payer	Any person paying commission or brokerage (not being an individual or HUF whose books of account are not required to be audited under section 44AB in the immediately preceding financial year)
Who is the recipient	A Resident person
Payment covered	Commission or brokerage (not being insurance commission)
At what time TDS to be deducted.	At the time of payment or at the time of credit, whichever is earlier
Maximum amount which can be paid without tax deduction	If the amount of payment is up to Rs. 15,000/- p.a. (Limit increased w.e.f. 01/06/2016 from 5,000/-)
Rate at which TDS to be deducted	5% (Rate reduced w.e.f. 01/06/2016 from 10%)
When the provisions are not applicable	Commission or Brokerage on security transactions are not covered
Is it possible to get the payment without tax deduction or with lower tax deduction	The recipient can make an application in Form No.13 to the Assessing Officer to get a certificate of lower tax deduction or no tax deduction

#### IMPORTANT POINTS TO BE CONSIDER

- "Commission or brokerage" includes any payment received or receivable, directly or indirectly, by a person acting on behalf of another person for services rendered (not being professional services) or for any services in the course of buying or selling of goods or in relation to any transaction relating to any asset, valuable article or thing, not being securities.
- The relationship of Principal and Agent is very crucial for liability to deduct tax.
- Individual or HUF to deduct tax for payment exclusively for personal purposes also (no exemption like 194C or 194J).

## **RENT (Sec. 1941)**



Who is the payer	Any person paying Rent (not being an individual or HUF whose books of account are not required to be audited under section 44AB in the immediately preceding financial year)
Who is the recipient	A Resident Person
Payment covered	Rent
At what time TDS to be deducted.	At the time of payment or at the time of credit, whichever is earlier
Maximum amount which can be paid without tax deduction	Rs. 1,80,000/- per financial year (Limit increased to Rs. 2,40,000/- w.e.f. 01.04.019 by Finance Act 2019)
Rate at which TDS to be deducted	For use of any Machinery / Plant / Equipment - 2%
	For Use of any Land or Building or Furniture or Fittings – <b>10</b> %
Is it possible to get the payment without tax deduction or with lower tax deduction	Declaration to the payer in Form 15G or 15H as applicable.  The recipient can make an application in Form No.13 to the Assessing Officer to get a certificate of lower tax deduction or no tax deduction 38

#### IMPORTANT POINTS TO BE CONSIDER

- "Rent" means any payment, by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of (either separately or together) any-
  - (a) land; or
  - (b) building (including factory building); or
  - (c) land appurtenant to a building (including factory building); or
  - (d) machinery; or
  - (e) plant; or
  - (f) equipment; or
  - (g) furniture; or
  - (h) fittings

whether or not any or all of the above are owned by the payee.

#### IMPORTANT POINTS TO BE CONSIDER

- "Threshold limit of payments for affecting TDS will Individually apply to Co-Owner.
- Ownership of property is not important.
- Pro-rata credit of TDS is available every year if rent paid for more than one year.
- Individual or HUF to deduct tax for payment exclusively for personal purposes also (no exemption like 194C or 194J).

# FEES FOR PROFESSIONAL OR TECHNICAL SERVICES (Sec.194J)

Who is the payer	Any person paying professional / Technical fees (not being an individual or HUF whose books of account are not required to be audited under section 44AB in the immediately preceding financial year)
Who is the recipient	A Resident Person
Payment covered	Fees for Professional services, Fees for technical services, Royalty, Non – compete fees & Any Remuneration, Commission or Fees (other than salary) paid to Directors of the Company.
At what time TDS to be deducted.	At the time of payment or at the time of credit, whichever is earlier
Maximum amount which can be paid without tax deduction	If the amount of payment during the financial year is up to Rs. 30,000/-
	For Director Remuneration, Commission or Fees – <b>NIL</b>
Rate at which TDS to be deducted	10%
Is it possible to get the payment without tax deduction or with lower tax deduction	The recipient can make an application in Form No.13 to the Assessing Officer to get a certificate of lower tax deduction or no tax deduction

#### IMPORTANT POINTS TO BE CONSIDER

- Professional services means services rendered by a person in the course of carrying on legal, Medical, Engineering or Architectural profession or the profession of Accountancy or Technical consultancy or Interior Decoration or Advertising or such other profession as is notified.
- Other profession notified are (1) Authorised Representative (2) Film Artist (3) Company Secretary (4) Information Technology.
- Individual or HUF not to deduct tax for payment exclusively for personal purposes.

# PAYMENTS TO NON - RESIDENTS (Sec. 195)

Who is the payer	Any person responsible for paying to a Non – resident.	
Who is the recipient	Non resident person	
Payment covered	Cover all sums chargeable under the Act other than salaries.	
At what time TDS to be deducted.	At the time of payment or at the time of credit, whichever is earlier	
Maximum amount which can be paid without tax deduction.	No Threshold limit. Tax is deductible even if payment is negligible.	
Rate at which TDS to be deducted	"Rate in Force" defined in sec.2(37A)	
	Rates of Income Tax specified in the Finance Act or the rates specified in the DTAA, whichever is applicable by virtue S.90 or S. 90A.	
Is it possible to get the payment without tax deduction or with lower tax deduction	<ul> <li>(1) Application by payer u/s 195(2) for determining appropriate sum</li> <li>(2) Application by recipient u/s 195(3) for payment of sum without TDS</li> </ul>	

### IMPORTANT POINTS TO BE CONSIDER

- No deduction shall be made in respect of dividend u/s 115-O
- Section 195(6) is amended w.e.f. 01/06/2015 to provide that the information of payment to non-resident is to be furnished irrespective of whether or not such remittances are chargeable to tax in India.
- However, w.e.f. 01/04/2016 onwards, No 15CA / 15CB is required in cases of remittance in the nature of 33 items provided in Rule 33BB.
   The main items are advance or payment for import of goods, towards business travel, travel for medical treatment, personal gifts and donations, payment for education etc.
- CA Certificate for TDS on payment to Non-resident to be obtained
   Form 15CB
- Information to be submitted to department site for payment to Non-resident Form 15CA.

#### **TDS RETURNS**

- NSDL provides it's own Return Preparation Utility
- Even TDS Returns 24Q & 26Q can be generated from Tally ERP.9 software if proper data entry is done.
- Various Tailor made private software are also available in the market for TDS Return filing.
- There are mainly 3 sheet Deductor Master Details,
   Challan Details & Deductee details.
- Verify the challan with OLTAS / NSDL site.
- After the return is prepared, file has to be validated using the latest FVU released by NSDL
- Return can be filed Online with Digital Signature / EVC OR it can be filed with E-intermediary in CD / Pen Drive along with Form 27A duly signed by deductor.

#### **TDS RETURNS**

• Flags to be selected in the column "Reason for lower or non deduction of tax" as under

FLAGS	FOR
A	Lower / No deduction for certificate u/s. 197
В	No deduction for declaration u/s. 197A
С	Higher deduction where PAN is not available
Т	No deduction for Transporters having PAN (sec. 194C(6))
X	Lower TCS for certificate u/s. 206C(9)
Y	No deduction due to payment below threshold limit.
S	No deduction u/s 194J for payment for software

#### **TDS RETURNS**

- After the returns are filed, CPC Ghaziabad processes the statement
- Various errrors like challan mismatch, short payment, short deduction, PAN error will be identified.
- The statement will be on hold and an opportunity for rectification of error will be granted to deductor by CPC by communicating the default via Email, SMS and Traces site.
- Deductor to correct the statement within 7 days by using Online correction facility on Traces site.
- CPC will finally process the statement and raise demand, is any (including interest) and will communicate the same to deductor.
- Deductor to pay the demand, if correct and file correction statement by adding the challan.

## TDS STATEMENT UPLOAD / VIEW

#### **Pre-Requisites for Uploading TDS Statement**

- ➤ To upload TDS, user should hold valid TAN and should be registered in e-Filing.
- ➤ Statement should be prepared using the Return Preparation Utility (RPU) and validated using the File Validation Utility (FVU). The utilities can be downloaded from tin-nsdl website (https://www.tin-nsdl.com/)
- ➤ Valid DSC should be registered in e-Filing portal. (In order to upload using DSC)
- ➤ Pre validate Principal Contact's "Bank Account/Demat Account details" or link Principal Contact's PAN with Aadhaar. (In order to upload using EVC)

# PROCEDURE TO UPLOAD TDS STATEMENT

To Upload TDS, the steps are as below: Step 1: In e-Filing Homepage, Click on "Login Here"



# Enter User ID (TAN), Password, and Captcha. Click Login.

Beer ID *	TANS1234SA
Password *	
Captcha Code	
lmage	
Enter the number as in above mage "	
	Alegani Fargut Dansword?
New Users? Regis	ster Now   Resend Activation Link
NET 60 w-Filling La	igin Through histElasiding

Post login, go to TDS→ Upload TDS.

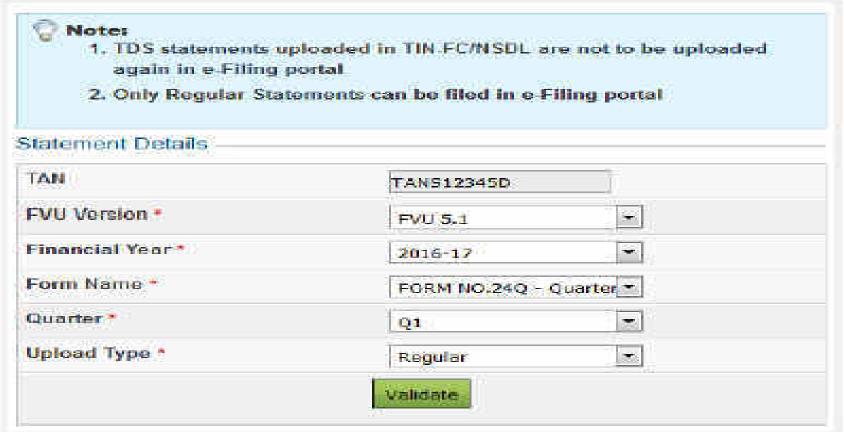


In the form provided, select the appropriate statement details from the drop down boxes for

- ☑ Financial Year
- ☑ Quarter
- ☑ Upload Type

## NOTE

- ➤TDS can be uploaded from Financial Year 2010-11.
- ➤ Both Regular and Correction Statements can be uploaded in e-Filing portal.
- ➤ Click Validate to Validate Statement details.



#### Upload TDS Statement using DSC



"Upload TDS ZIP file": Upload the TDS/TCS statement (Prepared using the utility downloaded from tin-NSDL Website)

"Attach the Signature file" Upload the signature file generated using DSC Management Utility for the uploaded TDS ZIP file.

Click on "Upload" button.

Once the TDS is uploaded, success message will be displayed on the screen. A confirmation mail is sent to the registered email id.

continue....

### Continue...

#### Upload TDS Successful

Step 1: Enter Statement Details

Step 2. Upload File

Step 3: Upload Successful

Your TDS return have been uploaded successfully and the Transaction ID is: 10000090063. In case of any queries, please contact 1800 4250 0025.

An e-mail confirming the successful upload of your e-filing has been sent to demo@gmail.com

Kindly login after 24 hours to check the status of your Filing using the token number 3111111415

#### VIEW FILED TDS STATEMENT

To View the Filed TDS statement, the steps are as below: Step 1: Login to e-Filing, Go to TDS ⇒ View Filed TDS.



In the form provided, select the details from the drop down boxes for Financial Year, Form Name and Quarter respectively for which the TDS was uploaded.

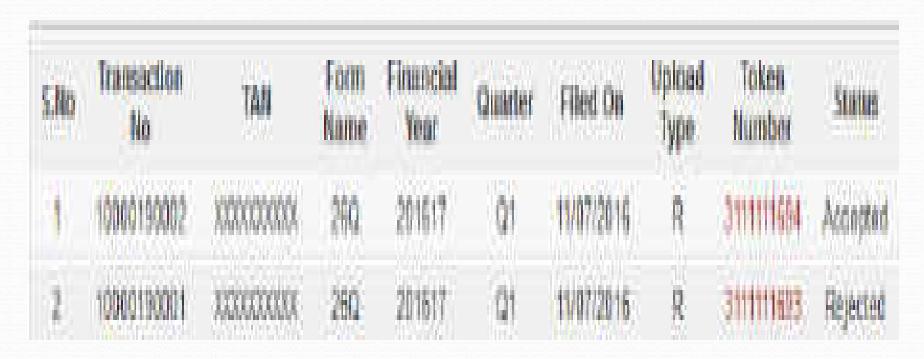
10 PHONE NO PROSESSES PROPERTY OF

111
3
•
[#]

#### Step 3: Click on "View Details".

**Step 4**: The status of the TDS uploaded is displayed.

Once uploaded the status of the statement would be "Uploaded". The uploaded file will be processed and validated. Upon validation the status will be either be "Accepted" or "Rejected" and would be reflected within 24 hours from the time of upload.



In case if "Rejected", the rejection reason will be displayed. If the status is "Rejected", click on the Token Number to view the error details.



# Reason for rejection would be displayed as below

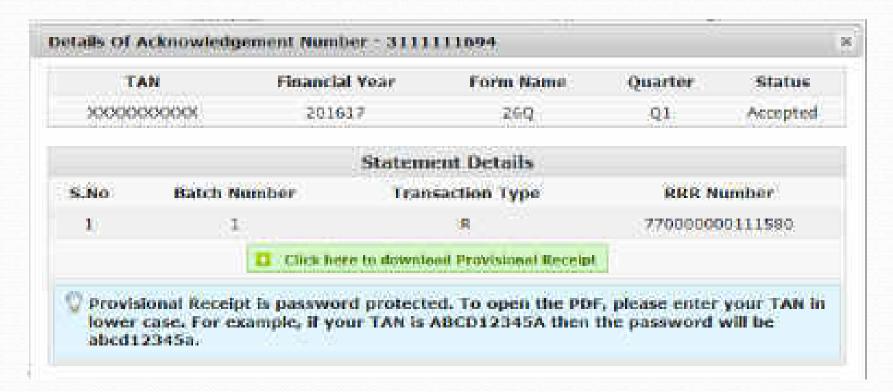
#### Details Of Acknowledgement Number - 3111111272

	100	
	500	
	-	
	1000	

TAN	Financial Year	Form Name	Quarter	Status
TANS12345A	201516	240	Q1	Rejected

Error Details		
Line Number	Error Code	Error Description
1	FV-AH- 1000004	Invalid File. Please upload a valid zip file. ZIP file should contain only the fyu file.

In case if "Accepted", click on the Token Number to view the Statement Details and download the Provisional Receipt as shown in the below screen.



#### TDS RETURNS – COMMON DEFAULTS

- Short deduction due to PAN Errors like Invalid PAN.
- Short deduction due to 197 Certificate mistake like not valid for the year, threshold limit exceeded, wrong certificate number quoted etc.
- Short deduction due to non flagging of deductee type like A/B/T etc.
- Short deduction due to wrong selection of deductee code i.e. Corporate or Non-corporate Rate of TDS differ.
- Short payment defaults for challan details mismatch, break-up or combining of challan, challan over utilised etc.
- Interest default u/s 201 for late deduction of TDS or late payment of TDS.
- Late filing fees u/s 234E Rs. 200/- per day.

# care should be taken while filing TDS Statements to avoid default notices

- The details of challan should be filled carefully and amount of challan should be the total amount for which challan is paid and it should not be splited or combined.
- The CIN of the challan matches with the details as reflected in tin.nsdl / Traces site
- The PAN of the deductee is correctly mentioned. Few software provide facility for verification of PAN from Income tax site. For Invalid or wrong PAN, TDS is calculated @ 20% due to section 206AA.
- Selection of deductee code for Corporate or Non-corporate (e.g. 1 or 2) is correct as rate of TDS in few sections are different for corporate and non-corporate.

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# care should be taken while filing TDS Statements to avoid default notices

- Please pay interest on late deduction / payment and late fees before filing the statement and put the challan details in statement.
- There have been cases where a combined payment of TDS say u/s 194C and 194J has been made in a single challan. Please ensure correct data entry i.e. correct code 194C or 194J etc. are mentioned in TDS statements. If the data entry is correct in TDS statements, wrong section code in the challan has no relevance.

# TYPES OF CORRECTIONS IN TDS STATEMENT

Type of Correction	Description
C <sub>1</sub>	Update deductor or employer's personal details like Name, Address, etc.
C <sub>2</sub>	Revise challan details like challan serial number, BSR code, challan tender date, challan amount
C <sub>3</sub>	Update, delete or add deductee or employee details
C <sub>4</sub>	Add or delete salary detail records
C <sub>5</sub>	Revise the PAN number of the deductee or employee in salary details
C6	Add a new challan and subsequently other deductees

## TDS STATEMENT CORRECTION

Returns/statements relating to TDS/ TCS should be complete and correct. However, Income Tax Department has provided a procedure for correction of any mistake in the original returns/statements by submitting 'correction returns/statements'.

- ➤ **Check for defaults:** Check the defaults raised for the quarter after the regular statement is filed. Checking can be possible through Quarterly Statement Status after 3 working days of return filing.
- ➤ Request and download the Justification report: To know the actual defaults that are raised, request and download the Justification Report from TRACES.

### TDS STATEMENT CORRECTION

- ➤ **Identify the defaults:** Read the Justification Report and identify the defaults that are raised for the statement.
- ➤ **Identify the type of correction to be filed:** On knowing the defaults, select the type of correction to be filed. The types of correction return filing are:
  - Online Correction: Correction filed through TRACES
  - Offline Correction: Correction filed through Software

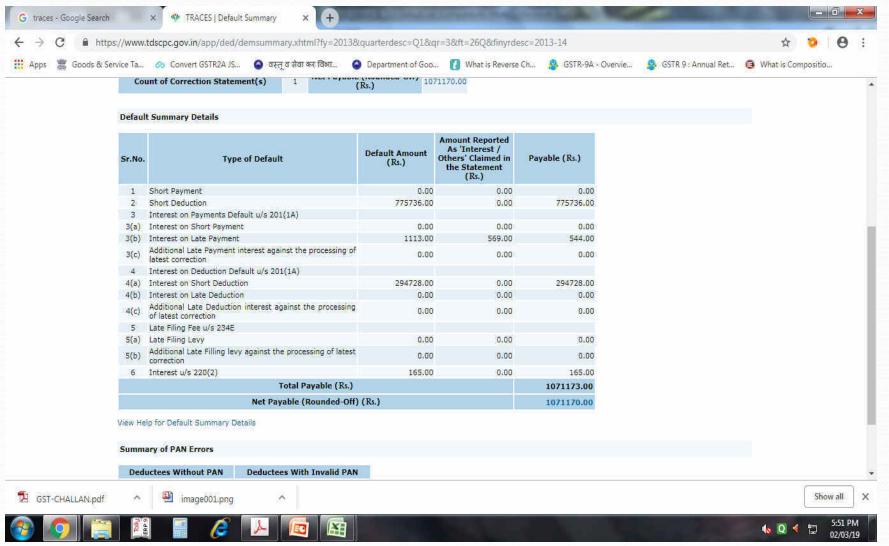
However, the addition of challan is only permitted in Online Correction.

# STEPS FOR ONLINE CORRECTION

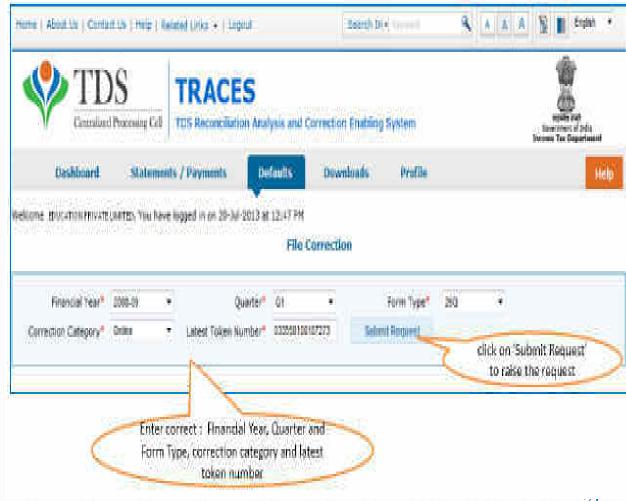
**>Step-1:** Firstly, Login to <u>TRACES</u> website.

➤ **Step-2:** Go to "View Default Summary" under "Defaults" to see the defaults available for the particular Financial Year and Quarter. To view the details of the default, click on the Quarter.

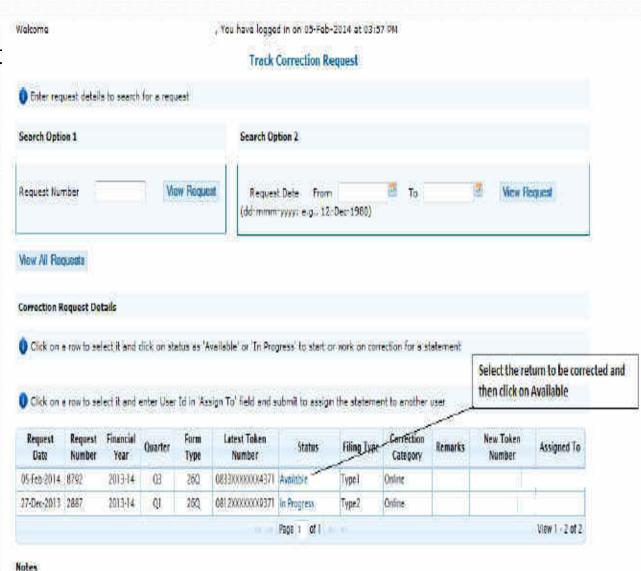
### DEFAULT SUMMARY DETAILS



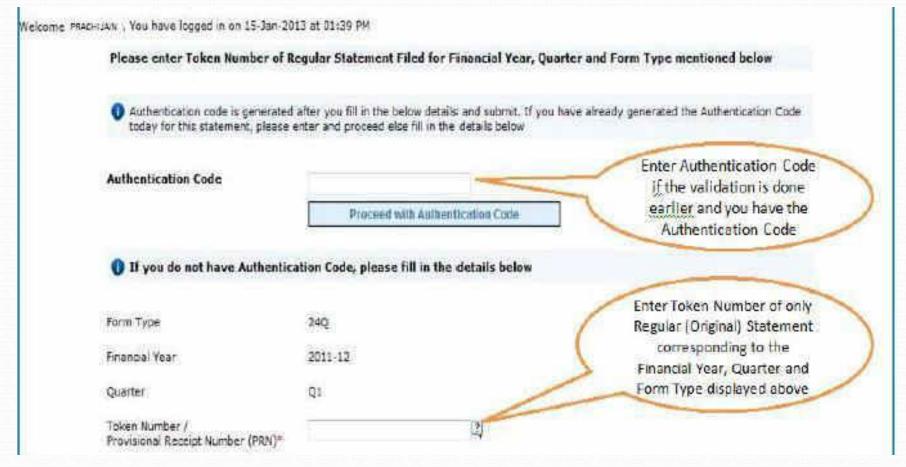
Step-3: Go to "Request for correction" under "Defaults" and enter the relevant Quarter, Financial Year, and Form Type. Then, select the Correction category as "Online" and submit the request. The request number will be generated.



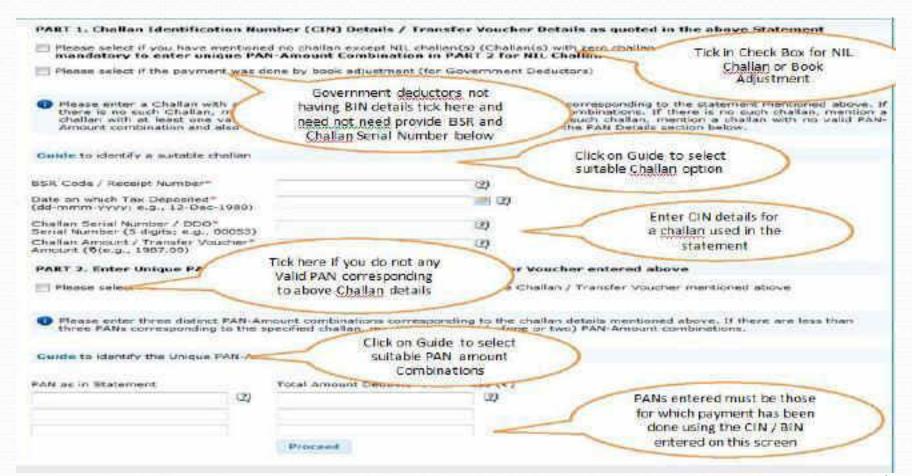
**Step-4:** The Request will be available for correction under "Track Correction Request". When request status becomes "Available" click on **Available** status to proceed with the correction by providing information of valid KYC.



#### **Token Number Details**

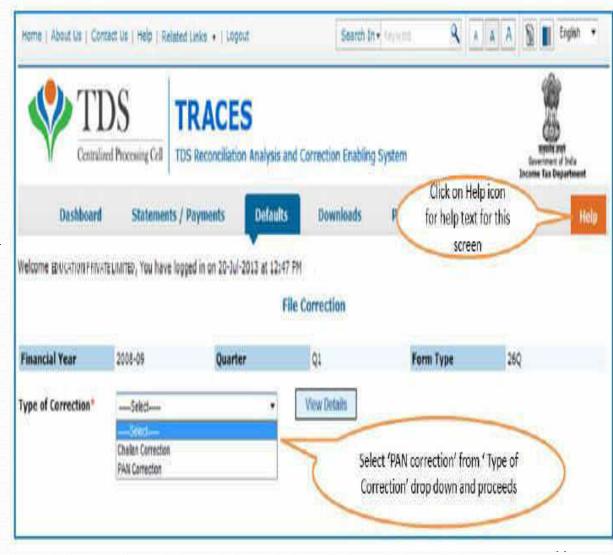


#### **Deductee Details**



**Step-5:** Select the type of correction category from the drop-down (as applicable) and then make the necessary corrections in the selected file.

➤Online PAN
Correction



#### **Online Invalid PAN Correction**

		of FY 2010-11	for Form 260	vie	k on 'Invalid PAN' to w the list of invalid N in the statement			
)	Enter PAN as per	statement to se	earch for the PA	N from below t	able. Click on 'Reset Search' (	to remove the filte	Bri (	
2000	PAN as per Stater	ment	13	how Details	Reser Search	Nar	ne as per ITD will	
C.	ALCO CONTRACTOR	anter correct 0	AN. Name will b	e populated fro	m PAN database, 'Status' colo		-	Status of the PAN will appear here
ě	Crockers a row to	cited confectivi		CHARLES CONTRACTOR			1000	57.00
	Challan Detail Record Number	Deductee Row Number	Deductee Reference Number Provided by Deductor	PAN as per Statement	Name as per Statement	Changed PAN	Name as per Changed PAN	Status
	Challen Detail	Deductee	Deductee Reference Number Provided by		Name as per Statement	Changed PAN	Name as per Changed PAN	Status
	Challan Detail Record Number	Deductee	Deductee Reference Number Provided by	Statement	CENTURY ROADLINES	Changed PAN	Name as per Changed PAN	Status View 1 - 1

## ONLINE VALID PAN CORRECTION

✓ Select 'Valid PAN' tab to view list of valid PAN in the statement

✓ Similar to invalid Pan, system will not accept if edited PAN is not in PAN master (Invalid PAN)

✓ For Valid PANs, deductee rows for which valid to valid PAN correction has been done will be locked.

#### **Online Challan Correction**



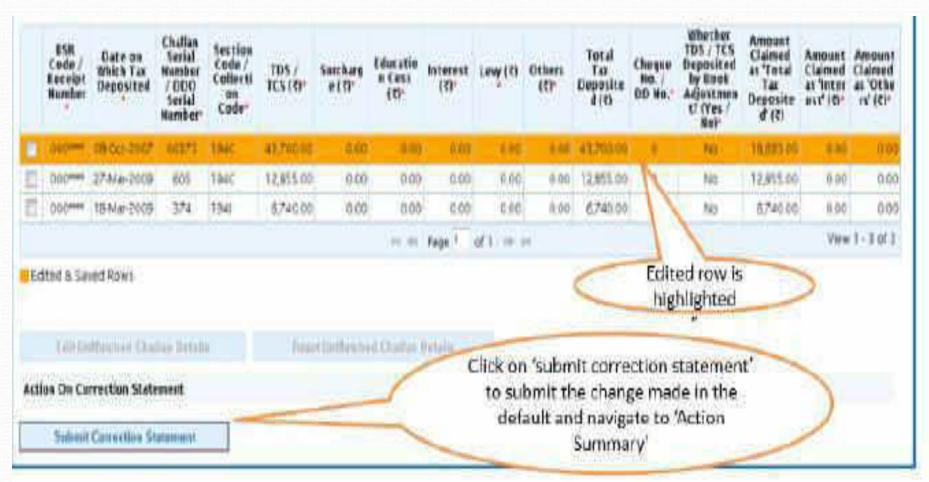
#### ONLINE CHALLAN CORRECTION

✓ In Match challan we can only edit the interest allocated amount.

✓ In unmatched challan we can edit the details by select the challan from unmatched challan details.

✓ Edited Row is highlighted in yellow color

#### **Online Challan Correction**

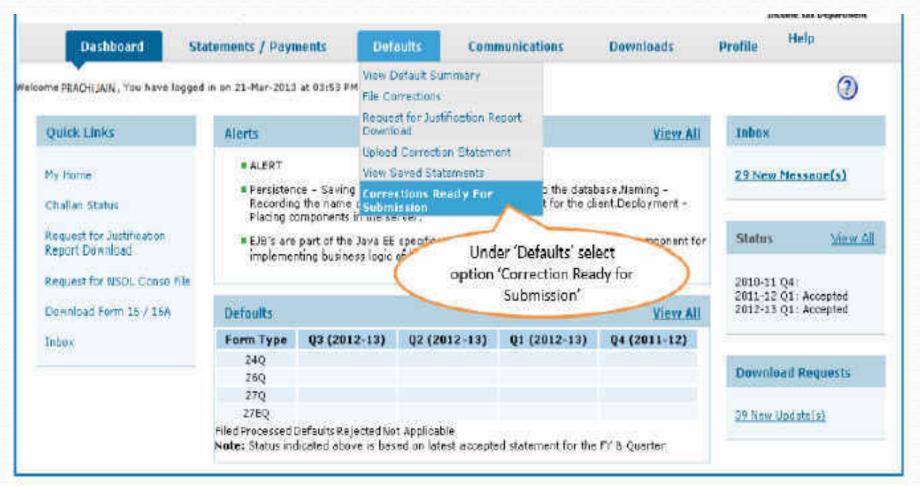


- ➤ **Step-6:** After all the corrections, click on "Submit for Processing" to submit the correction (This option is available only to the admin user if multiple user are created).
- ➤ **Step-7:** A fifteen digits token number (RRR) will be generated upon submission and same will be mailed to the registered e-mail ID.

# STEPS FOR ONLINE CORRECTION Action Summary

			File Correction		
Financial Year	2008-09	Quarter	QЭ	Form Type	24.0
Type of Correction	Select	25	View Details		
		Action Summary	for Q3 of FY 2008-09 fo	Form 26Q	
Action Summary					
	Correction	Type		Change	
Challen Correction			Wew Correction	15	
PAN Emors			View Correction	ns -	View Edited Details
Welcome FRACHIJAIN.	For Submissio	1-Mar-2013 at 03:53 PM			
Corre	ction statement has been	n submitted and will be ava	ilable in Corrections Ready	For Submission page.	
			ne	ick here to view 'Correc Beady for Submission or Vigate ' 'Correction Read Ibmission ' under ' Defa menu	or ly for

#### Correction Ready for Submission



## **Correction Ready for Submission**

ne FRACHIJAIN , You have logged in an 21-P		Roady For Submission		3
lect a rom to delete statement	Control of the Control	#INC 250 A	Wagon Alba	
financial Year	Quarter	form Type	ther id	
2009-10	QI	36Q	436791G	
2009-10	92	240	4367/890	
Water Statement	View Statement			

Action Summary for Q3 of FY 2008-09 for Form 26Q							
Action Summary							
	Correction Type		0	Change			
Challan Correction			View Corrections				
PAN Errors			View Corrections		1		
Submit For Processing	Edit Correction Statement	Back					

Click on Submit For Processing, then Web Signer Applet window will open Error message will pop up indicating PAN validation mismatch if user selects incorrect digital signature certificate PFX file ( not associated with the same PAN) and will not be allowed to proceed.

### **Correction Ready for Submission**

Welcome EDUCATION PRIVATE LIMITED, You have logged in on 20-Jul-2013 at 02:05 PM

#### Correction statement submitted successfully!

> Message showing that correction statement is successfully submitted

screen

## OFFLINE CORRECTION

All types of corrections except Addition of New challan can be done through offline correction. This mode of correction is generally used when the digital signature is not registered in TRACES login for doing online correction.

#### NSDL Conso File

- ➤ It is the consolidated data of the statements processed (regular & correction) for the relevant Financial Year, Quarter and Form Type.
- ➤ One should download the latest conso file in order to file correction return
- The detailed procedure for downloading NSDL conso file is laid out in <u>e-Tutorial on NSDL Conso File download.</u>

- ➤ Request and download of Conso File: The consolidated statement or the Conso file has to be requested after adding the challan under online correction mode and then download the file from the TRACES website.
- ➤ Read the Conso file to the software: The Conso file downloaded from TRACES has to be read to the software used for correction statement.

- ➤ **Do the required changes:** Do the relevant corrections as identified in the Justification Report.
- ➤ **Generate correction return file:** Generate the output files required to be filed at TIN-FC or be uploaded to the ITD website.
- ➤ **File the return:** The filing of correction return will be done similar to the filing of regular return filing.

➤ Track the correction filed: Once you file the correction, check the status of the statement filed for any defaults.

If any defaults are raised, then repeat the process of correction filing.

#### TCS PROVISIONS (Section 206C)

Who is the person to Collect Tax	Every Person being a Seller (Item 1 To 8 ) OR		
	Every person who grants a lease or a licence or enters into a Contract or transfer any right or interest. (Item 9 To 11)		
At what time TCS to be collected	At the time of Receipt or at the time of Debit, whichever is earlier		
Natue of Receipt Covered & Rate of TCS	As per Next Slide		
Due Date of Payment of TCS (Other than the office of the Government.)	On or before 7 <sup>th</sup> of next month.		
Quarterly statement	Form No. 27EQ		
Due date of submission of	Quarter ended	Due date of statement	
quarterly statement	30 <sup>th</sup> June	15 <sup>th</sup> July	
	30 <sup>th</sup> September	15 <sup>th</sup> October	
	31st December	15 <sup>th</sup> January	
	31 <sup>st</sup> March	15 <sup>th</sup> May	

### TCS PROVISIONS (Section 206C)

TCS Certificate	Form No. 27D		
Due date of issue of TCS	Quarter ended	Due date of certificate	
certificate	30 <sup>th</sup> July		
	30 <sup>th</sup> September	30 <sup>th</sup> October	
	31st December	30 <sup>th</sup> January	
	31 <sup>st</sup> March	30 <sup>th</sup> May	
Is it possible to get the payment without TCS	Yes for item no. 1 to 7 If Buyer furnishes a declaration in Form no. 27C (If goods are utilized for the purpose of manufacturing, processing or producing articles or thing or for the purposes of generation of power and not for trading purposes.)		
Supplier to submit declaration in Form no. 27C.	Declaration to be submitted within 7 days from end of the month in which declaration is received.		
Is it possible to get the payment without tax collection or with lower tax collection	The recipient can make an application in Form No.13 to the Assessing Officer to get a certificate of lower tax collection or no tax collection		
Interest for non collection or delayed payment of TCS	1 % Per month or part thereof.		

#### NATURE OF GOODS OR CONTRACT/LICENCE/LEASE

SR	NATURE OF GOODS	RATE OF
NO.		TCS
1	Alcoholic Liquor for human consumption	1 %
2	Tendu Leaves	5 %
3	Timber obtained under a forest lease	2.5 %
4	Timber obtained by any mode other than under a forest lease	2.5 %
5	Any other forest produce not being Timber or Tendu Leaves	2.5 %
6	Scrap	1 %
7	Minerals, being coal or lignite or iron ore	1 %
8	Sale of a Motor vehicle (Value exceeding Rs. 10,00,000/-)	1 %
9	Parking lot	2 %
10	Toll Plaza	2 %
11	Mining & Quarrying	2 %

## **PRACTICAL HINTS**

- Separate challans for each category of payment and for each year. No overlap of categories or years.
- The person deducting TDS (i.e. the payer) will have to obtain data regarding the status of the payee in order to determine the rate at which Tax is to be deducted.
- Elaborate explanation on Income Tax deduction from salaries for every financial year and other related provision given in CBDT Annual circular.
- Verify the PAN No. of Payee with Income tax site whenever details of PAN No. received from Payees.
- Remember, the challans for TDS and challans for Advance Tax, etc. are different.

## **PRACTICAL HINTS**

- Keep a habit of periodical review of TDS credits and payments. Any shortfall may be made good immediately.
- Always Check Limit for TDS deduction wherever applicable.
- If there are two views Deduct or don't deduct, take a safer view. By deducting the tax, client is not suffering. However, just to ensure safety, patently wrong deduction should be avoided
- Cultivate habit of making timely payment of tax deducted. Do not wait for last date of payment



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