

Instruction No. 8 of 2016

F.No.142/8/2016-TPL

Government of India

Ministry of Finance

Department of Revenue

(Central Board of Direct Taxes)

New Delhi, the 15th September, 2016

To,

All The Principal Chief Commissioners of Income-tax

Sub: The Income Declaration Scheme, 2016 – reg.

The Income Declaration Scheme, 2016 (the Scheme) has come into effect from 1st June, 2016 and is open for declarations upto 30.09.2016. Vide Circular No.16 of 2016 dated 20.05.2016; it was clarified that a person will not be eligible to file declaration under the Scheme for the assessment year(s) in respect of which a notice under section 142(1)/143(2)/148/153A/153C has been served upon him on or before 31.05.2016. It was also clarified that where a search has been conducted under section 132 or requisition has been made under section 132A or a survey has been carried out under section 133A of the Income-tax Act, in a previous year then the person shall not be eligible under the Scheme if the time for issuance of a notice under section 143(2)/153A/153C for the relevant assessment year has not expired.

2. In relation to the above, queries have been received from field formation and other stakeholders as to whether a declaration under the Scheme can be filed for an assessment year for which the proceedings under section 142(1)/143(2)/148/153A/153C were pending as on 31.05.2016 but the said proceedings have been completed.

3. In this context, it is clarified that a declaration under the Scheme can be filed in respect of the assessment year for which notice under section 142(1)/143(2)/148/153A/153C has been served on or before 31.05.2016 but the proceedings have been completed and the period of filing declaration under the Scheme has not expired. However, the declarant shall not be entitled to file the declaration in respect of the income which is the subject matter of the assessment order. It is reiterated that the cases where the time for issuance of a notice under section 143(2)/153A/153C pursuant to search, seizure or survey operation, as the case may be, for the relevant assessment year(s) has not expired shall not be eligible to avail the Scheme.

4. This instruction may be brought to the notice of all the officers concerned and other stakeholders.

5. Hindi version of the instruction will follow.

(Dr. T.S. Mapwal)

Under Secretary (TPL-IV)