

## LAW & REPRESENTATION COMMITTEE

**Chairman:** Mahendra Sanghvi, **Co-Chairman:** Paras K. Savla **Vice-Chairman:** Krish Desai  
**Convenors:** Deepak Jain, Rahul Thakar **Advisor:** Vipul Joshi

### REPRESENTATION TO CPC, BANGALORE

Dear Members,

Many assesseees are receiving the communications on **Arrear Demands from the CPC, Bangalore**. Chamber is in the process of making representation before the authorities.

We request members to provide the Chamber with samples of cases under the following heads. Please also provide us with copies of the intimation, request made for rectification and other relevant documents as sample.

- Category 1** : Arrears based on the demand raised as per the intimation u/s. 143 (1) / u/s. 143 (3) notwithstanding that rectification is already done u/s. 154, converting the demand to refund / Nil demand.
- Category 2** : Arrears based on the demand raised u/s. 143(1)/143(3) against which rectification applications have been made and are pending before the Assessing Officer for disposal since a long time.
- Category 3** : Arrears based on the demand raised u/s. 143 (1) which was subsequently rectified / merged while passing an order u/s. 143(3).
- Category 4** : Arrears based on the demand on account of assessment made u/s. 143(1)/143(3); but no effect is given to appellate orders.
- Category 5** : Cases where recovery has been stayed but the refunds are still being adjusted.
- Category 6** : Cases where demand is paid or already adjusted against other refunds due, but the records have not been updated for the same.
- Category 7** : Cases where assessee is not even aware of the demand since the intimation u/s. 143(1)/notice of demand has not been received.
- Category 8** : Cases where the return is filed with a particular Assessing Officer say "A" and continued to be filed with "A" but the Arrear of Demand is informed by Assessing Officer "B" without the assessee having any knowledge about the said demand.
- Category 9** : Cases where the files received are corrupted and cannot be accessed.
- Category 10** : No credit has been given to LLP subsequent to conversion of Limited Company into LLP.
- Category 11** : Cases where intimation received under section 245 of the Act for adjustment of refund against alleged tax demand related to earlier assessment year.

**For example** : Company has paid tax on distributed profit ("DDT") but in challan the assessment year for which the dividend was declared / distributed / paid was stated other than assessment year in which the event of declaration / distribution / payment has taken place. Though challan has been produced before the AO, as conveyed, he is unable to rectify the demand by giving suitable credit for DDT.

- Category 12** : Cases where the Assessee was incorporated / formed after the last date for payment of advance tax i.e., March 15, but still interest under section 234B and 234C is levied by CPC.

Please mark the copies sent with the category number and send to the Chamber's Office latest by October 15, 2017.