

Form 13 – Online Application





SECTION 195/197 PROVISIONS AT A GLANCE

- Section 197(1) [Subject to rules made under sub-section (2A)]
 - Power to Assessing Officer to issue certificate for lower or no deduction of tax;
 - Valid for fixed time (maximum till the end of the FY);
 - Application to be made by the Assessee or his Authorised Representative.
- Section 197(2) Certificate issued by Asessing Officer is cancelled, deductor to deduct tax at applicable rates.
- Section 197(2A) Power to the Board to issue Notification in relation to grant of such certificate or any matters relating to the same.

Certificate of no deduction of tax in case of certain entities (Rule 28AB)

- in receipt of income or deemed income derived from property held under trust wholly for charitable or religious purposes and who claims exemption under section 11 or section 12; or
- required to file a return in respect of a scientific research association, news agency, association or institution, fund or trust or university or other educational institution or any hospital or other medical institution or trade union referred to in subsection (4C) of section 139;
- may make an application to the Assessing Officer for the grant of a certificate under sub-section (1) of section 197 authorizing him to receive incomes without deduction of tax at source.



Conditions to Satisfy

File all the Returns till the date of Application;

Applicant must be registered with ITD and should also hold exemption certificate under Section 11 and 12, if applicable;

Application to be made in accordance with the requirement of the Act with concerned AO;



POINTS TO REMEMBER

- Application to be made by Deductee/Tax Payer;
- Application to be submitted to TDS Assessing Officer where TAN is registered;
- Application can be made any point of time during the Assessment Year;
- Certificate issued has the maximum validity for the Assessment Year/period and needs to be re-applied.
- If Trust is registered under Section 11 or 12 then tax details not required.

Areas of Consideration

- The eligibility of an assessee to claim the benefits of this rule is determined by the Assessing Officer by assessing his/her existing and estimated liability, which is determined by considering the following:
- Tax payable on estimated income of the previous year relevant to the assessment year.
- Tax payable on the assessed or returned income of the preceding three tears.
- Existing liability under the Income-tax Act, 1961 and Wealth-tax Act, 1957.
- Payment of advance tax for the assessment year relevant to the previous year until the date of making the relevant application.
- Tax deducted at source for the assessment year relevant to the previous year until the date of making the relevant application.
- Tax collected at source for the assessment year relevant to the previous year until the date of making the relevant application.

Offline Procedure

- Application in Form No. 13;
- Details of the Assessee making the Application;
- Details of Income Tax Returns filed during the last three Assessment Years containing the Returned Income and Taxes paid/payable – Refund's Due;
- Details of the Current Year (Provisional Details)

Offline Procedure (Contd)

- Details of Sales, profits of the last three years along with the taxes deducted;
- Details of existing liablities on the date of application;
- Estimated Total Income for the year for which the certificate is sought;
- Details of Tax liability on the estimated income along with the tax liability discharges;

Offline Procedure (Contd)

- Nature of payments for which the certificate is sought;
- Details of the Deductee in the required format along with the PAN and other details;
- Other documentary evidences in support of the said application;
- Indemnity Bond for liability discharge.

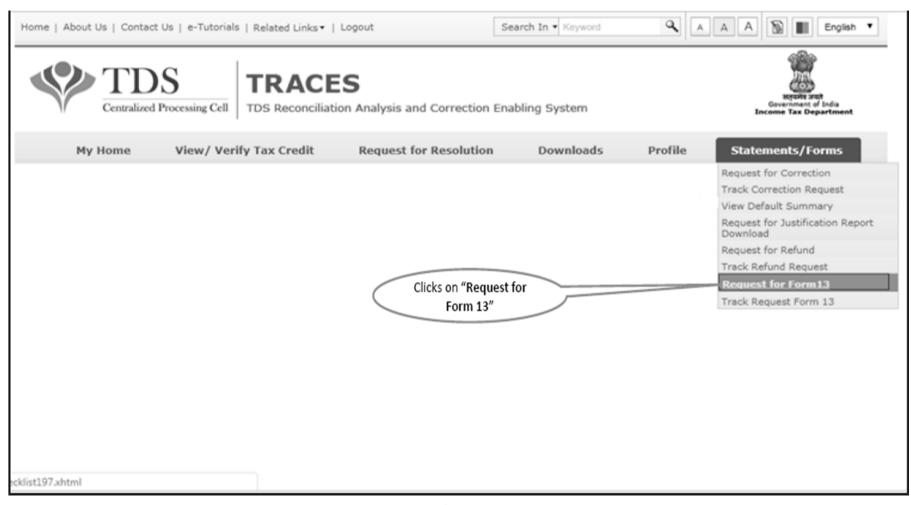
PROCEDURAL ASPECT FOR ONLINE APPLICATION

- Made effective from Financial Year 2018-19 vide Income Tax (Eleventh Ammendment Rules, 2018) dated 26.10.2018;
- Application on TRACES Portal;
- Application to be in Form 13 online for all assessees;
- Form-13 request through DSC (Digital Signature Certificate), E-Verification (Through Internet Banking) or Mobile OTP or Aadhaar Number;
- The mandatory fields and the details required are to be entered to ensure that the application is processed;
- Exempt Income details also needs to be given.

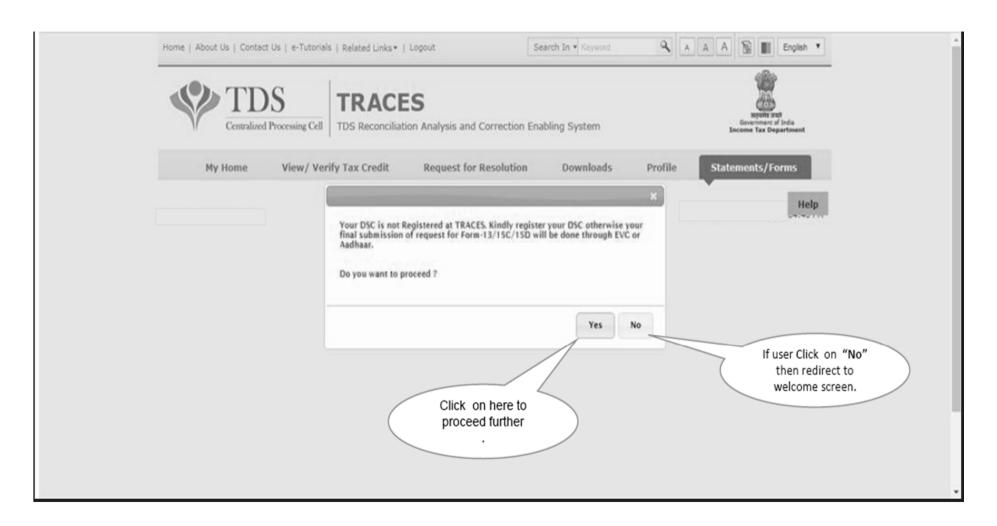
Important Information

- Form can be submitted through TRACES for current financial year only;
- Taxpayer can raise more than one original requests for Form-13 if status of previous request is "Submitted";
- Size of file should not be larger than 5MB;
- Jurisdictional Assessing Officer (AO) for approval;
- E Verification (EVC) option is not available on NRI website <u>www.nriservices.tdscpc.gov.in</u>

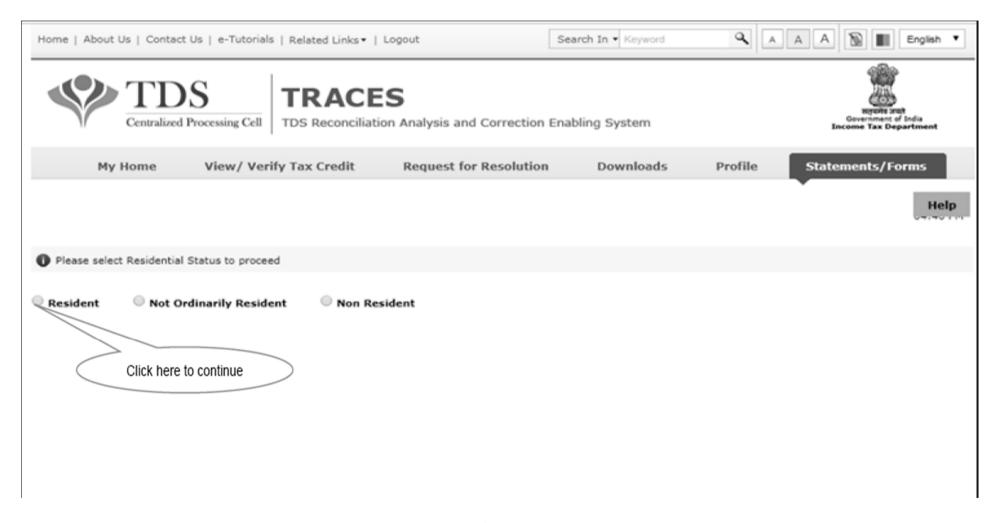
Where to find Application on TRACES- STEP 1



Digital Signature –STEP2

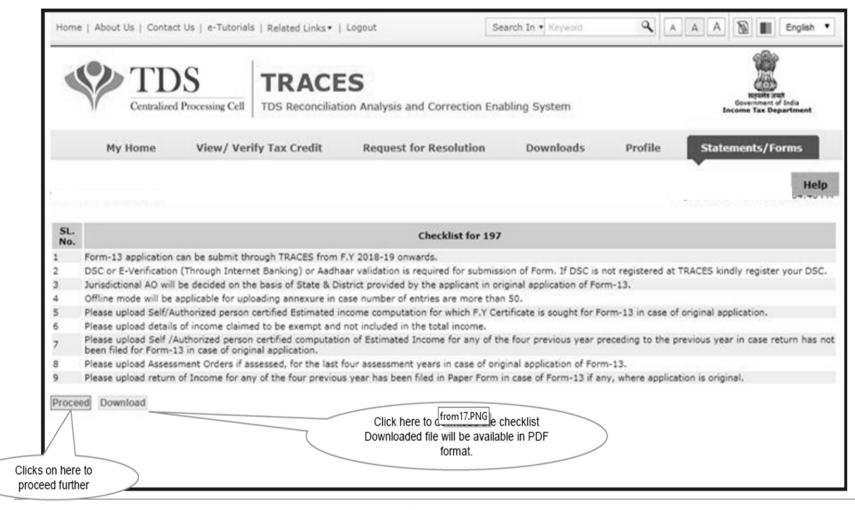


All Assessees Can Apply-STEP3



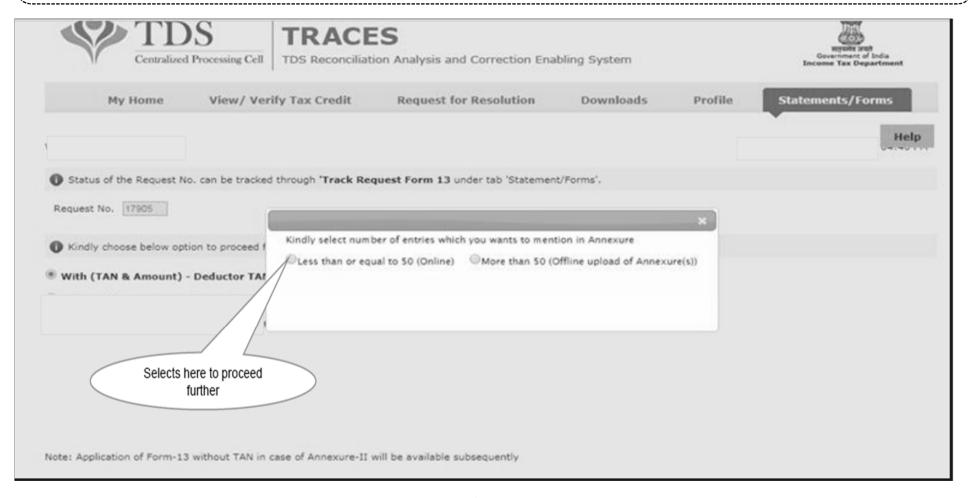
STEP-4: CHECKLIST

STEP 5: Enter Financial Year then click on "Proceed" button.



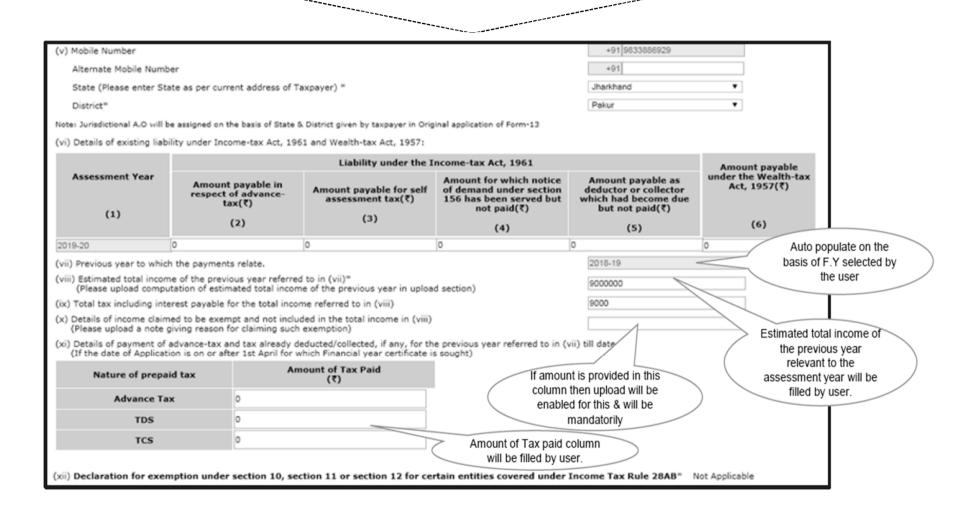
Select option "With (TAN & Amount)- Deductor TANs & Amount". Pop up on the screen to select the number of entries. Select on "Less than or equal to 50 (Online)" option.

Note: Offline mode for uploading annexure in case of more than 50 entries will be available subsequently.



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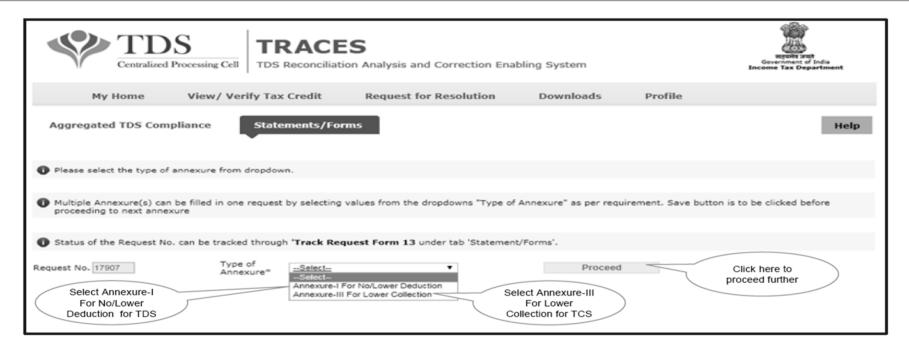
User need to basic fill details which needs to be furnished in Form -13, some of the details are auto-populated on the basis of Traces profile.



Selection of Annexure-Separate for Lower Deduction & Non deduction

STEP-8

Step 8: Select the type of annexure from dropdown and click on 'Proceed' button.



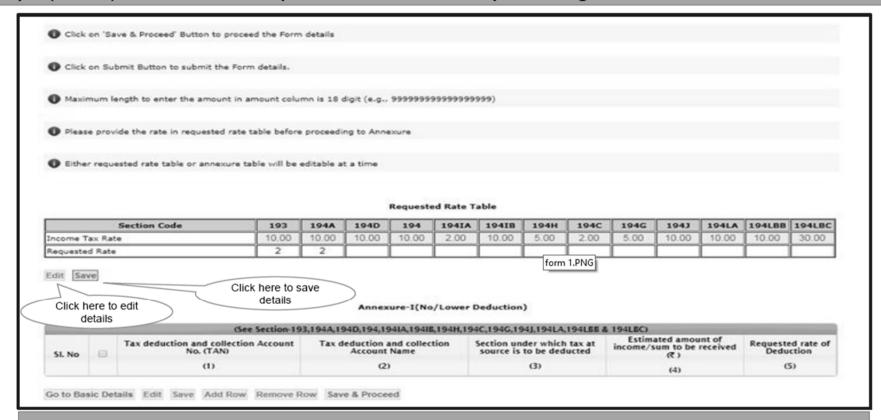
ANNEXURE-1 & ANNEXURE-3 ARE REQUIRED TO BE FILLED BY ASSESSEES

NOT COVERED UNDER RULE 28AB

Compilation of Section wise Details in Single Annexure PART-1

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Step 8 (Contd.): Provide rate in requested rate table before proceeding to Annexure-I No/Lower Deduction.



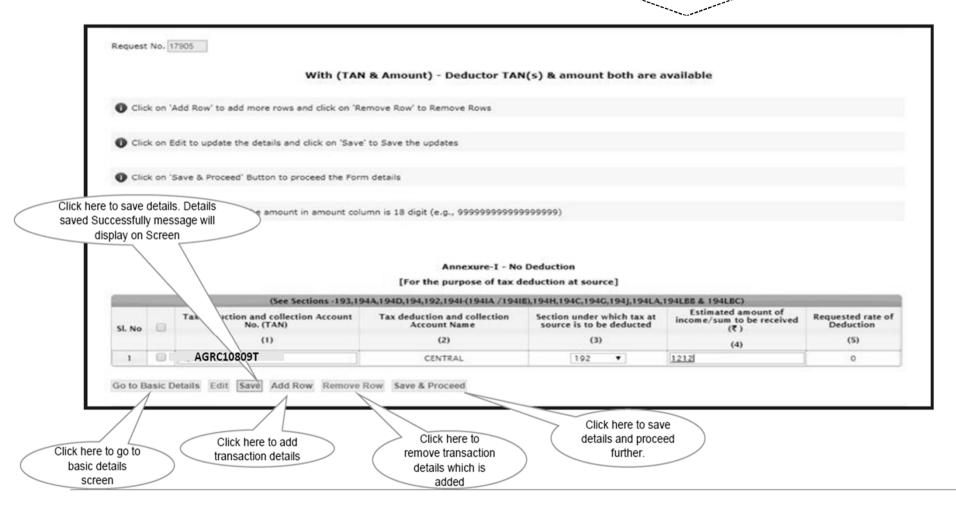
Note: User need to mention Requested Rate in requested rate table and rate must be less than Section Rate

Compilation of Section wise Details in Single Annexure (PART-2)

Step 8 (Contd.): Click on 'Add Row' button to add transaction details in Annexure-I (No/Lower Deduction). Maximum length to enter the amount in amount column is 18 digit (e.g., 99999999999999999) Please provide the rate in requested rate table before proceeding to Annexure Either requested rate table or annexure table will be editable at a time **Requested Rate Table** Section Code 193 194A 194D 194 194IA 194IB 194H 194C 194G 1943 194LA 194LBB 194LBC 10.00 10.00 10.00 10.00 2.00 5.00 2.00 5.00 10.00 Income Tax Rate 10.00 10.00 10.00 30.00 2.00 2.00 Requested Rate Click here to save details. Details saved Successfully message will Annexure-I(No/Lower Deduction) display on Screen Estimated amount of x deduction and collection Account Tax deduction and collection Section under which tax at Requested rate of income/sum to be received No. (TAN) Account Name source is to be deducted Deduction SL No (3) (5) (4) CANARA BANK 193 AGRCA 10000 2.00 Click here to save Go to Basic Details Edit Save Add Row Remove Row details and proceed further. Click here to Click here to add Click here to go to remove transaction transaction details basic details details which is screen added

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After filling up the basic details AnnexureI will open to fill the annexure details.



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page STEP-8 Password protected file cannot be uploaded at TRACES. Kindly upload password free file Click here Click here to to browse Click on Template Button It is enable when section 11or vie uploaded selected file then pop-up screen will be 12 declaration given on basic Verification Code® displayed details & will be mandatory to Enter text as in above image * upload Browse Files Uploaded Upload & Fill Estimated Income Computation for which F.Y certificate is sought* Upload & Fill computation of estimated total income any of the four previous year preceding to the previous year for which return of income has not been filed Files Uploaded Template 3. Upload registration/exemption Certificate in case of certain entities covered under section 11 or 12** Files Uploaded 4. Upload registration/exemption Certificate in case of certain entities covered under section 139(4C) Files Uploaded It is enable when section 139(4C) 5. Upload Assessment Orders if assessed, for the last four assessment years Browse declaration given on 6. Upload return of income for any of the four previous year has been filed in paper form Browse Files Uploaded basic details & will be non mandatory to 7. Upload Details of income claimed to be exempt and not included in the total income ** Files Uploaded upload Click here to Browse Files Uploaded 8. Upload any other document upload the document

Uploading Documents

OTHER REQUIREMENTS

- Computation of Estimated Total Income to be given Head wise;
- Option for submission of clarification in respect of increase/decrease in income in comparision to previous year given



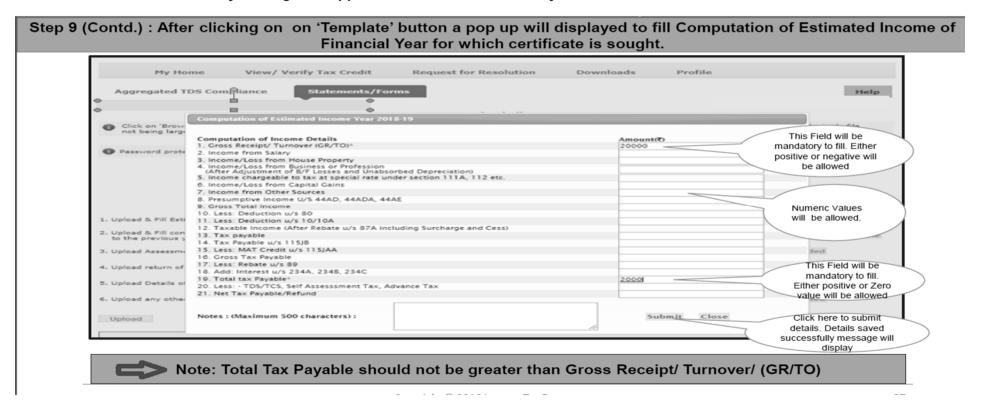
Step 9:

 User need to upload and fill the Estimated Income Computation for which Financial Year certificate is sought.

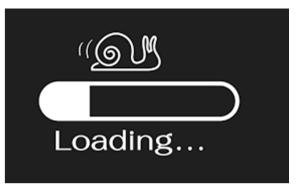
Click on "Browse" to select a file and then click on "Upload" to upload the document in tiff, .pdf, .zip,. JPEG formats only. Note: Size of file should not be larger than 5MB. Kindly upload password free file.

• Click on "Template" button to fill Computation of Estimated Income of Financial Year for which certificate is sought then submit.

Details saved successfully message will appear on screen. It is mandatory to FILL



DOCUMENTS TO BE UPLOADED



- Estimated Income Computation for which F.Y certificate is sought.
- Computation of estimated total income any of the four previous year preceding to the previous year for which return of income has not been filed.
- Upload registration /exemption Certificate in case of certain entities covered under section 11 or 12 or section 139(4C).
- Assessment Orders if assessed, for the last four assessment years.
- Return of income for any of the four previous year has been filed in paper form.
- Details of income claimed to be exempt and not included in the total income: If amount is provided in column of basic details then this will be enabled & mandatory.
- Upload any other document.

Note:

- Upload Button enables only when users browse all the files successfully. After that user need to click on 'Upload' button to upload all the browse files ,once all the files have been uploaded, Success Message will be displayed "Files uploaded successfully "and "Upload" button will be disabled again.
- If user wants to change/remove attachment/s then user need to click on 'Files Uploaded' button then select the required file and click on 'Remove upload'. User can browse new files again. Upload the document in tiff, .pdf, .zip,. JPEG formats only.
- Size of file should not be larger than 5MB. Kindly upload password free file.

4. Pictorial guide of 'Request for Form13-Resident' (Not covered under Rule 28AB of Income Tax Rules, 1962)

Step 9 (Contd.): User need to give the declaration to proceed further. Click on 'Preview & Submit' button to review the submitted details for Form-13

| 1. Upload & Fill Estimated Income Computation for which F.Y certificate is sought $\!\!\!\!\!\!\!\!^{\kappa}$ | Browse Files Uploaded Template |
|---|--|
| Upload & Fill computation of estimated total income any of the four previous year preto the previous year for which return of income form 8.PNG een filed | Browse Files Uploaded Template |
| 3. Upload Assessment Orders if assessed, for the last four assessment years | Browse Files Uploaded |
| 4. Upload return of income for any of the four previous year has been filed in paper for | Browse Files Uploaded |
| 5. Upload Details of income claimed to be exempt and not included in the total income* | ** Browse Files Uploaded |
| 6. Upload any other document Auto populated on the basis of TRACES | Browse Files Uploaded |
| Upload | |
| ■ I DANDON DIRECTION In this form are not includible in the total income of any other is stated in this application is correct. I further declare that I am making application in LIMITED and I am also competent to make this application and verify it. I am holding Place Place Ghaziabad Date 5-Now-2018 Date Date Date 5-Now-2018 Date Date | er person under sections 60 to 64 of the Income-tax Act, 1961. I further declare that whan my capacity as Principal Officer of |
| Place Glisbases | Olish have to review |
| | Click here to review the details of Form-13 |

OPTIONS AVAILABLE

- Options of Preview Available, before submitting the same;
- Option of Removal of Documents before uploading Available;
- Once submitted cannot be modified, Option of Withdrawal Available to the Tax Payer;
- E-verification mode Digital Signature or Internet Banking;
- SMS confirmation will be sent to the Registered Mobile Number;
- Status of Application can be tracked online through the generated Request Number;
- If Deductees are more than 50, then only Annexure to be attached in the format given.

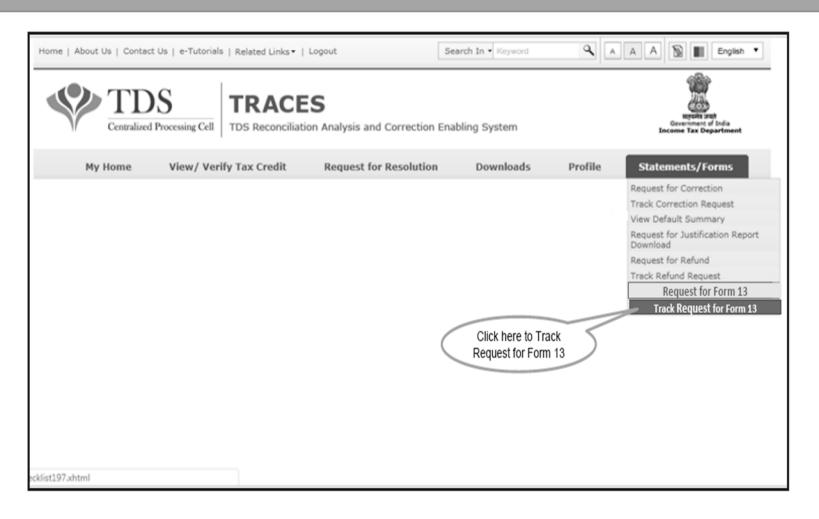


6. Procedure of 'Request for Form13-Resident' (Not covered under Rule 28AB of Income Tax Rules, 1962) with E- verified (Internet Banking).

- E-Verified Service link is available at banks website:
- · User has to log in to Bank Website and select option "Click of view26AS".
- It gets navigated to a new page which shows link "E-Verified services on TRACES".
- Click on "E-Verified services on TRACES", user gets navigated to the TRACES website with the pre populated User name and PAN of Taxpayer.
- This facility helps taxpayers to get Verified through Internet Banking.
- This can be used for "Submitting Request for Form-13" request without Digital Signature.
- · This Option is not available for NRI Website www.nriservices.tdscpc.gov.in .

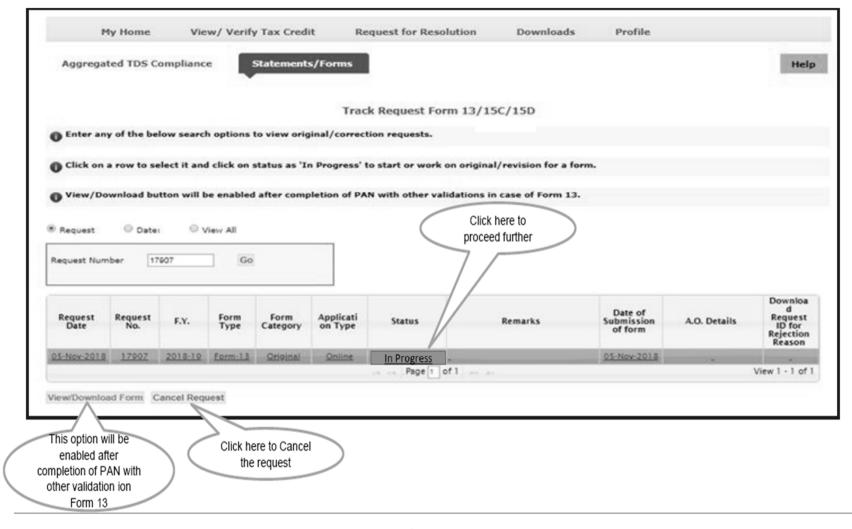
6. Pictorial guide of 'Request For Form13-Resident' (Not covered under Rule 28AB of Income Tax Rules, 1962) with E-Verified" (Internet Banking).

Step 3 (Contd.): Go to "Track Request Form-13" option under "Statements/Forms" tab and initiate the request.



6. Pictorial guide of 'Request For Form13-Resident' (Not covered under Rule 28AB of Income Tax Rules, 1962) with E-Verified" (Internet Banking).

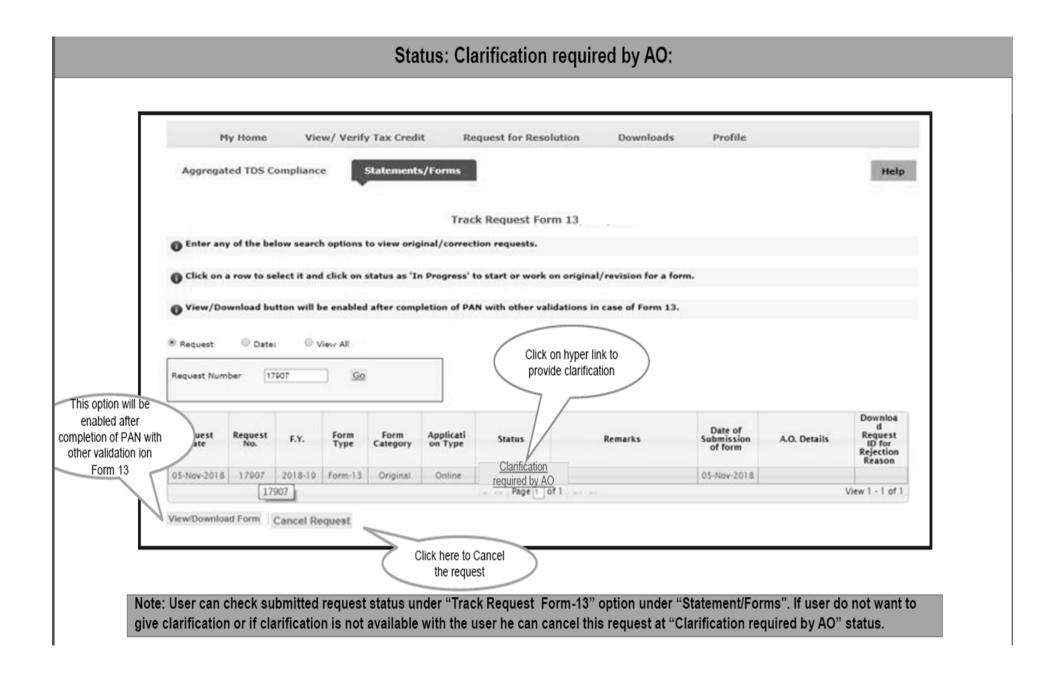
Step 3 (Contd.): Go to "Track Request Form-13" option under "Statements/Forms" tab and initiate the request. Click on "In Progress" status to continue.



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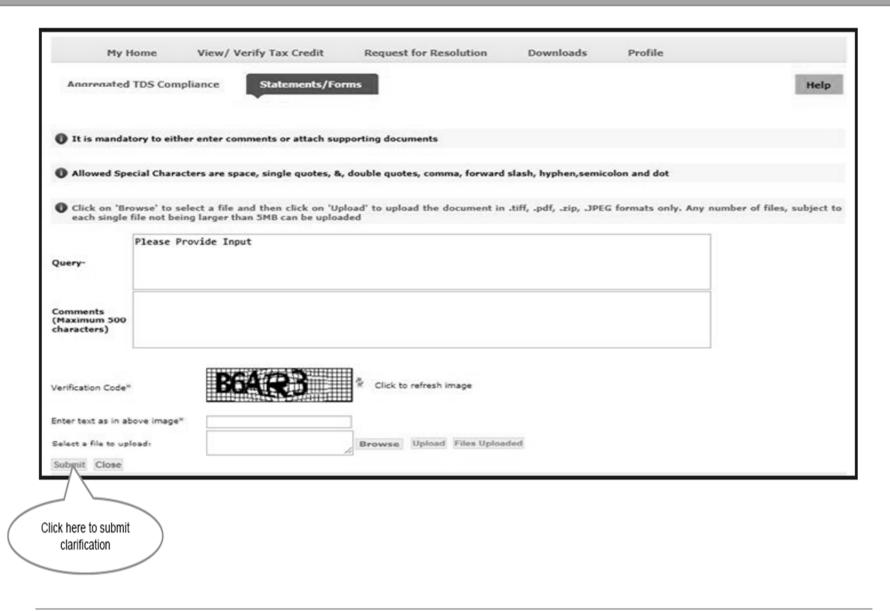
| Status | Description |
|---------------------------------|--|
| In Progress | Request Form-13 is in progress, user need to click on status 'In Progress' to start work. |
| Submitted to ITD | Status will be "Submitted to ITD" after final submission of Form-13. |
| Pending with AO | Status will be "Pending with AO" for approval. |
| Clarification Required by AO | Status will be Clarification Required by AO, if AO wants some clarification from the user . |
| Approved | Status will be Approved if AO has approved the request of Form-13 and 197 certificate will be available to download |
| Approved with Partial Rejection | Status will be Approved with partial rejection, if request is partially rejected for some TANs . Approved 197 certificate will be available to download. |
| Cancelled | Status will be cancelled if request is cancelled by the user before Approval. |
| Rejected | Status will be Rejected if request is rejected by AO or TDS CPC. |

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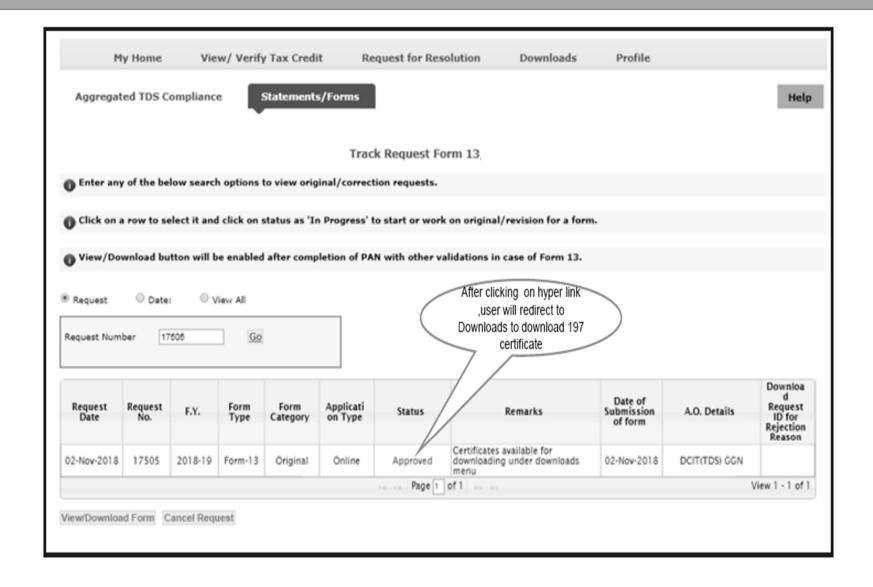


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After click on "Clarification required by AO", user can give clarification with supported documents

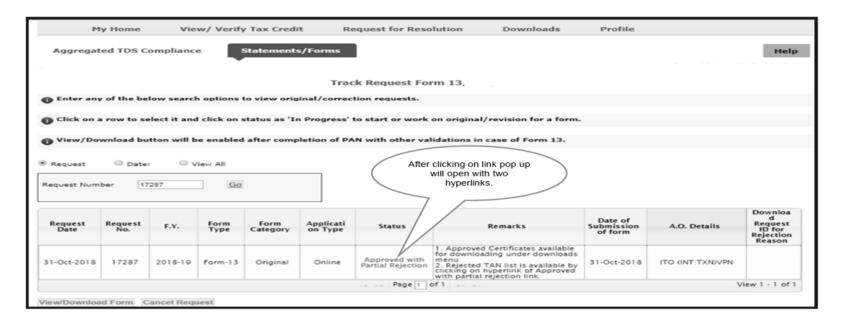


Status will be Approved if AO has approved the request of Form-13 and 197 certificate will be available to download...

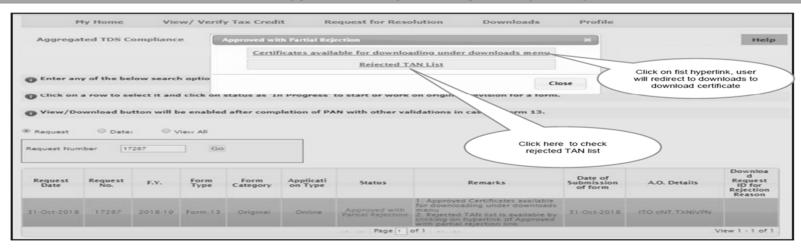


7. Pictorial guide of Track Request for Form 13- Resident (Not Covered under Rule 28AB of the Income Tax Rules, 1962)

Status: Approved with partial Rejection

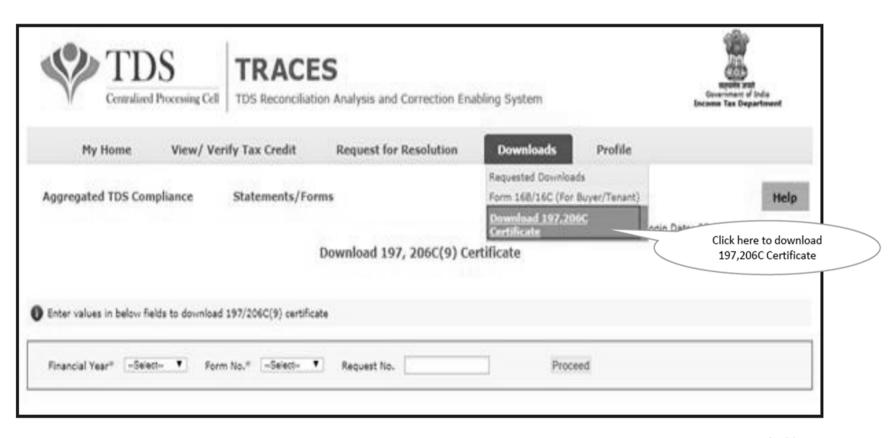


Status: Approved with partial Rejection (Contd.)



HOW TO DOWNLOAD CERTIFICATES

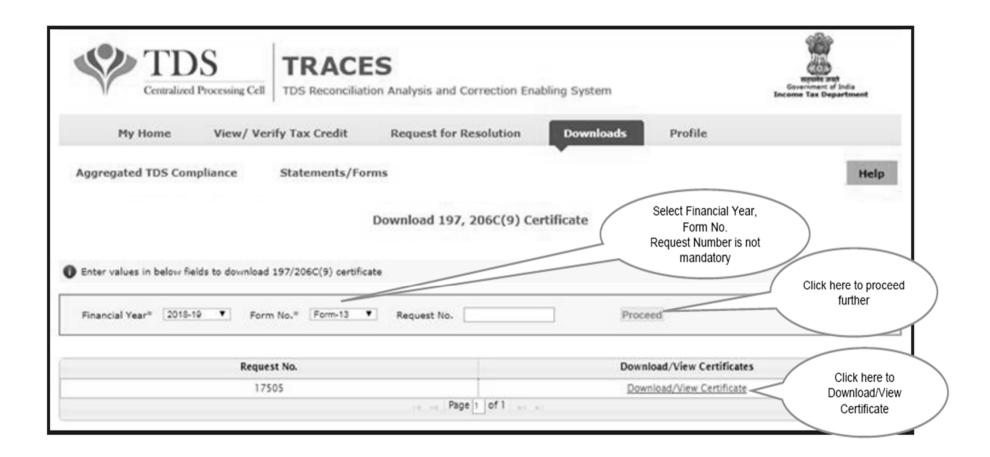
Step 1: After log in on TRACES. Go to 'Downloads' tab and click on Download 197, 206C Certificate.



Ward 68 (1)

ENTER FIN YEAR & FORM NO

Step 2: User need to select Financial Year & enter Form No., then click on "Proceed".



Advantages

Basic Fields are auto populated and captured from ITD



Sample of Certificate u/s 197



Office of Income Tax officer

WARD 31(1)(3), MUMBAI

Ref. No.: 197/AAACS1425L/2018-19/6 Date: 21-Jun-2018

Subject: Certificate u/s 197 for PAN

Deductor(s) with TAN/PAN (as per column 3) is/are hereby authorized to make payment or credit the amount under section (as per column 5 of the table below) to the extent (as per column 6) after deducting tax at the rate (as per column 7, excluding education cess/ Surcharge as applicable) to, or as the case may be to the account of XYZ LIMITED, Address, (PAN-AAACS1425L). As per details below:

| Sr. No. (1) | Certificate Number (2) | TAN/PAN (3) | TAN/PAN Name (4) | Section (5) | Amount (Rs.) (6) | Certifica te Bate(%) (7) | Valid from Date (8) | Valid till date (as per the original certificate) (9) | Valid till (Cancellat ion Date) (10) |
|-------------------|------------------------------|----------------|------------------------|----------------|------------------------|-----------------------------------|------------------------------|---|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Certificate(s) is/are non-transferable and valid for applicant PAN -AAACS1425L for sums which are to be received or receivable, whichever is earlier between the period as per column 8 and 9, unless it is cancelled by the undersigned under intimation to respective TAN(s)/ PAN(s) before that date.

Assessing Officer

DC CIR 51(1) (O TO Z)

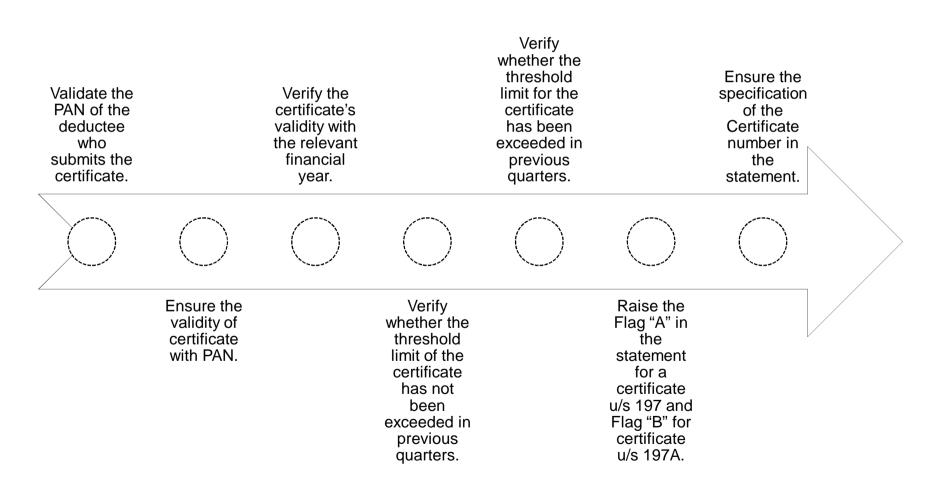
*******This is an electronically generated certificate Capture.PNG pes not require any signature******

Advantages

- A further Step towards Digitisation;
- 24 X 7 Application facility;
- Based on PAN records available with ITD, the chances of Incorrect details in the certificates nullified;
- All the mandatory records to be uploaded at a time. Submissions time gap reduced;
- Delay in time for issuing certificate to be reduced;
- Online verification of the limit and validity can be verified;
- Easy Linkage of Information with TDS Returns.



TDS Returns Filing- Line of Action



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Notification No. F.No.275/25/2020-IT(B) dated 31 March 2020

- ✓ Extension of Nil or Lower TDS /TCS Certificate to 30 June 2020 (CBDT Order dated 31.03.2020);
- ✓ Assessees who have been issued certificate for FY 2019-20
 - ✓ Have applied for FY 2020-21 and not issued certificate- Certificate of FY 2019-20 to be valid till 30th June, 2020 or disposal of Applications by AO whichever is earlier;
 - ✓ Not applied for FY 2020-21 Certificate of FY 2019-20 to be valid till 30th June, 2020- Provided make application till 30th June, 2020 or normalcy restored whichever is earlier as per MODIFIED PROCEDURE;
- ✓ NR (including FC) having PE in India- not covered by above- TDS to be deducted @ 10% (+SC+Cess) on payments made till 30th June, 2020 or disposal of applications whichever is earlier;



MODIFIED PROCEDURE

- Assessees who have not applied and who do not have a certificate for FY 2019-20-Applications to be made via email to the concerned AO with following data and documents;
 - Duly filled Form 13 along with Annexure I or III as applicable;
 - Details which otherwise are required to be uploaded on TDS CPC website while filling up Form 13;
 - Projected Balance Sheet (BS) and Profit & Loss (P&L) Account for FY 2020-21;
 - Provisional BS and P&L Account for FY 2019-20 & FY 2018-19;
 - Form 26AS for FY 2019-20 & 2018-19;
 - Income tax Return (ITR) Form for FY 2018-19.

CONDITIONS

- Existing process for making application under Section 195(2) and 195(3) continue to apply except applications are made via email to concerned AO.
- Certificates shall be issued via email;
- Certificates shall be issued to the Applicant and the Applicant shall deliver the same to the respective Deductor;
- These certificates shall be valid till 30th June, 2020 or any other date up to which it is granted.

Whether Application as per the Normal Procedure to be made?

REFERENCES

- Time Line for issue of certificate is 30 days (Citizen's Charter-2014);
- Justifiable reasons for delay to be given;
- AO to either issue or reject the application;
- Assessee must be given the opportunity of being heard before rejecting application;
- Right of Appeal exists.

EVERY CHANGE IS A CHALLENGE UNTIL YOU HAVE FACED IT

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Thank You