

Issues in New Provisions - Reassessment, Search and Survey :-

1. Reason to believe removed – does that mean now AO have to first conclude escapement and then reopen?
2. Concept of “Failure to disclose fully and truly”
3. Concept of “Change of Opinion”
4. Deemed escapement in Explanation 2 not present in the new section
5. In case of search or a requisition proceeding (153A), or in case of third parties (153C) - the deeming fiction is only restricted to 3 years
6. Survey u/s 133A – there were no separate assessment provision – 148 applied – now deemed information for 3 years
7. Concept of abated and unabated assessment and incriminating material ?
8. 148A is mandatory or optional – ‘shall’ vs. ‘if required’ – not followed then?
9. Prior approval of the authority before each step viz. issue of notice u/s 148A, providing opportunity of being heard and passing of order?
10. Survey proceeding requires order u/s 148A?
11. The outer limit for reopening the assessment is 3 years now. If the following conditions are fulfilled, then the assessment can be reopened upto 10 years from the end of the relevant assessment year:

-AO has in his **possession** books of accounts or other documents or evidence

-Such documents etc. **reveal** that the income chargeable to tax has escaped assessment

-Such income is **represented in the form of asset**

-Income escaping assessment is **Rs. 50 lakhs or more**.

-"asset" shall **include** immovable property, being land or building or both, shares and securities, loans and advances, deposits in bank account.

12. In Section 149, Asset – inclusive definition
13. Notice u/s 148 which is issued post 01.04.2021 – will it be covered under Old provision or New Provision? If new provision then, section 148A to be issued?