

**THE TAXATION AND OTHER
LAWS (RELAXATION OF
CERTAIN PROVISIONS)
ORDINANCE, 2020 as amended by
Notification dated 24.06.2020**

[As Promulgated by Hon'ble President of India on 31.03.2020]

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Introduction

- ❑ It may be noted that the outbreak of pandemic Novel Corona Virus (COVID-19) across many countries of the world has caused immense loss to the lives of people. Social distancing has been unequivocally accepted to be the best way to contain its spread, leading to announcement of complete lockdown in the country.
- ❑ Keeping in view the challenges faced by taxpayers in meeting the compliance requirements under such conditions, the Union Finance Minister had announced several relief measures relating to statutory and regulatory compliance matters across sectors in view of COVID-19 outbreak on 24.03.2020 vide a press release.
- ❑ In order to give effect to the announcements made by the Union Finance Minister vide Press Release dated 24.03.2020, the government has brought in an Ordinance on 31.03.2020 which provides for extension of various time limits under the Taxation and Benami Acts. It also provides for extension of time limits contained in the Rules or Notification which are prescribed/ issued under these Acts.

Extension of time limits prescribed under specified acts [Section 3(1)]

Where, anytime limit has been specified in, or prescribed or notified under, the specified Act which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020 or such other date after the 29th day of June, 2020 as the Central Government may, by notification, specify in this behalf, for the completion or compliance of such action as-

- (a) completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action, by whatever name called, by any authority, commission or tribunal, by whatever name called, under the provisions of the specified Act; or
- (b) filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record, by whatever name called, under the provisions of the specified Act; or
- (c) in case where the specified Act is the Income-tax Act, 1961,-
 - (i) making of investment, deposit, payment, acquisition, purchase, construction or such other action, by whatever name called, for the purposes of claiming any deduction, exemption or allowance under the provisions contained in-
 - (I) sections 54 to 54GB or under any provisions of Chapter VI-A under the heading “B.—Deductions in respect of certain payments” thereof; or
 - (II) such other provisions of that Act, subject to fulfillment of such conditions, as the Central Government may, by notification, specify; or

(ii) beginning of manufacture or production of articles or things or providing any services referred to in section 10AA of that Act, in a case where the letter of approval, required to be issued in accordance with the provisions of the Special . Economic Zones Act, 2005, has been issued on or before the 31st day of March, 2020,

and where completion or compliance of such action has not been made within such time, then, the time limit for completion or compliance of such action shall, notwithstanding anything contained in the specified Act, stand extended to the 30th day of June, 2020, or such other date after the 30th day of June, 2020, as the Central Government may, by notification, specify in this behalf:

Provided that the Central Government may specify different dates for completion or compliance of different actions.

Provided further that such action shall not include payment of any amount as is referred to in sub-section (2).

Analysis

1. The Ordinance provides for extension of various time limits prescribed under the specified acts, due to be complied between 20.03.2020 and 29.06.2020 till 30.06.2020 or till any other date as may further be extended by CG later on.

[Note: CG by Notification dated 24.06.2020 which shall come into force from 30th June 2020, has extended the scope of ordinance by extending the end date to 31.12.2020 from 29.06.2020. Details of the notifications are provided in the following slides]

1. These time limits includes time limit for:
 - a. Completion of any proceedings, passing of any order, by any authority, commission or tribunal, by whatever name called, under the provisions of the specified Act or
 - b. Issuance of any notices, intimations, notifications, sanctions or approval by any authority, commission or tribunal, by whatever name called, under the provisions of the specified Act or
 - c. Filing of any appeal, reply or application under the provisions of the specified Act or
 - d. Furnishing of any report, document, return, statement under the provisions of the specified Act or
3. Further, due dates for making investments in schemes prescribed under Chapter VI-A of the Income Tax Act, 1961 for the purpose of claiming deduction therein for FY 2019-20 have been extended.
4. Due dates for making investment, deposit, acquisition, construction for the purpose of claiming exemptions u/s 54 to 54GB of the Income Tax Act, 1961 have been extended.
5. Due date for commencement of production or provisioning of services by SEZ Units for claiming deduction u/s 10AA of the Income Tax Act, 1961 have been extended if the necessary approval have been obtained till 31.03.2020.

Further extension of time limits vide notification dated 24.06.2020

In exercise of the powers conferred under the afore discussed Ordinance, Central Government have issued notification dated 24.06.2020 to extend the scope of ordinance to various time limits prescribed under the specified acts, due to be complied between 20.03.2020 to 31.12.2020 till 31.03.2021 except the following due dates in Income Tax Act, 1961.:

- a. Due date for filing of belated and/ or revised ITR u/s 139 of the Income Tax Act, 1961 for AY 2019-20 further extended till 31.07.2020.
- b. Due Date for filing of Income Tax Return u/s 139 of the Income Tax Act, 1961 for AY 2020-21 further extended till 30.11.2020. (*Provided interest u/s 234A of the Income Tax Act, 1961 shall be applied in case Self Assessment Tax payable exceeds Rs. 1 Lakh.*)
- c. Due Date for filing of TDS/ TCS Returns by an office of government for the period of Feb'20, Mar'20 and for the quarter ending on 31.03.2020 have been further extended from 30.06.2020 to 15.07.2020.
- d. Due Date for filing of TDS/ TCS Returns by persons other than an office of government for the period of Feb'20, Mar'20 and for the quarter ending on 31.03.2020 have been further extended from 30.06.2020 to 31.07.2020.
- e. Due Date for furnishing of TDS Certificates in respect of tax deducted u/s 192 of the Income Tax Act, 1961 for FY 2019-20 have been further extended from 15.07.2020 to 15.08.2020.
- f. Due date for making investments in schemes prescribed under Chapter VI-A of the Income Tax Act, 1961 for the purpose of claiming deduction therein for FY 2019-20 have been further extended to 31.07.2020.
- g. Due dates for making investment, deposit, acquisition, construction for the purpose of claiming exemptions u/s 54 to 54GB of the Income Tax Act, 1961 falling between period 20.03.2020 to 29.09.2020 have been extended to 30.09.2020.
- h. Due date for furnishing of any Audit Report under the Income Tax Act, 1961 for AY 2020-21 further extended till 31.10.2020.
- i. Due date for filing of declaration under Vivad Se Vishwas Act, 2020 and payment of tax without payment of additional tax have been further extended to 31.12.2020.

List of Specified Acts for the purpose of Relaxations prescribed u/s 3 of the Ordinance [Section 2(1)]

(a) “Specified Acts” means -

- i. The Wealth Tax Act, 1957;
- ii. The Income Tax Act, 1961;
- iii. The Prohibition of Benami Property Transactions Act, 1988;
- iv. Chapter VII of Finance (No. 2) Act, 2004; (Not Covered in PPT)
- v. Chapter VII of Finance Act, 2013; (Not Covered in PPT)
- vi. The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015;
- vii. Chapter VIII of Finance Act, 2016; or (Not Covered in PPT)
- viii. The Direct Tax Vivad Se Vishwas Act, 2020;

List of Time Limits Extended under Income Tax Act vide Ordinance as amended by Notification dt. 24-06-2020

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
	Completion of any proceedings or passing of Order or issuance of notice, notifications, sanction or approval by the authorities, commissioners or tribunal under the <u>provision of the Specified Act</u>	Due Date falling between 20-03-2020 to 29-06-2020	30-06-2020	31-03-2021
		**Due Date falling between 30-06-2020 to 31-12-2020	-	31-03-2021
	Filing of appeal, reply or application or furnishing of any report, document etc. under the <u>provision of the Specified Act</u>	Due Date falling between 20-03-2020 to 29-06-2020	30-06-2020	31-03-2021
		**Due Date falling between 30-06-2020 to 31-12-2020	-	31-03-2021

**By Ordinance, CG extended time limit falling between 20-03-2020 to 29-06-2020, further CG by Notification dt 24-06-2020 extended the scope of ordinance by extending the end date to 31-12-2020 from 29-06-2020.

List of Time Limits Extended under Income Tax Act vide Ordinance as amended by Notification dt 24-06-2020

Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Issuance of notice u/s 148 for AY 2013-14 (with prior approval of CIT beyond 4 years)	31-03-2020	30-06-2020	31-03-2021
Issuance of notice u/s 148 for AY 2014-15 (with prior approval of CIT beyond 4 years)	31-03-2021	-	31-03-2021
Issuance of notice u/s 148 for AY 2015-16 (without approval of CIT within 4 years)	31-03-2020	30-06-2020	31-03-2021
Issuance of notice u/s 143(2) for AY 2019-20	30-09-2020	-	31-03-2021
Completion of TP assessment for AY 2017-18	31-10-2020	-	30-01-2021
DRP order u/s 144C	-	-	31-03-2021

List of Time Limits Extended under Income Tax Act vide Ordinance as amended by Notification dt 24-06-2020

Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Due date of filing appeal before CIT(A)	From 20-03-2020 to 31-12-2020	30-06-2020	31-03-2021
Due date for filing objections before DRP		30-06-2020	31-03-2021
Due date for filing appeal before ITAT/HC/SC		30-06-2020	31-03-2021
Due date of filing application u/s 264	31-03-2020	30-06-2020	30-01-2021
Filing of Return for the AY 2020-21 u/s 139(1)	31-07-2020 or 31-10-2020	-	30-11-2020
Filing of belated return for the AY 2019-20 u/s 139(4)	31-03-2020	30-06-2020	31-07-2020
Filing of revised return for the AY 2019-20 u/s 139(5)	31-03-2020	30-06-2020	31-07-2020

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
44AB	Furnishing of Tax Audit Report	1 Month prior to the due date of furnishing the ITR	-	31-10-2020
12AB	Renewal of Registration of trust or institution already registered u/s 12AA	31-08-2020	-	31-12-2020
92E	Report relating to international transaction or specified domestic transaction (Form 3CB)	30-11-2020	-	30-11-2020

Note: As per notification dt. 24/06/2020 point (vii) of the proviso, which refers to audit under any provision and as such there seems to be an anomaly in respect of 3CEB reports as the due date is already 30/11/2020 and preponement is not envisaged in the clause. So it will not be covered under the proviso. There should be a separate clause to govern the filing of Form 3CEB

Note: For point (vii) of the the notification dt. 24/06/2020, it should have been Tax audit report u/s 44AB instead of any audit report.

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Sec. 139A	<p>Application for allotment of PAN:</p> <p>a) in case of non-individual resident person, which enters into a financial transaction of Rs. 2.5 lakhs or more during FY 2019-20 and hasn't been allotted any PAN;</p> <p>b) in case of person being managing director, director, partner, trustee, author, founder, karta, CEO, principal officer or office bearer of the person referred to in Rule 114(3)(v) or any person competent to act on behalf of the person referred to in Rule 114(3)(v) and who has not been allotted any PAN</p>	31-05-2020	30-06-2020	31-03-2021
Sec. 139AA	Linking of Aadhaar No. with PAN	31-03-2020	30-06-2020	31-03-2021
Section 139AA r.w.r 114AAA	PAN to be treated as inoperative due to non-linking it with Aadhaar number	31-03-2020	30-06-2020	31-03-2021

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
143(1)	Sending an intimation after processing of ITR, if the return is filed: a) During FY 2018-19 u/s 139; b) During FY 2018-19 in response to a notice issued u/s 142(1)	31-03-2020	30-06-2020	31-03-2021
153(1)	Passing assessment order u/s 143 or 144 for AY 2018-19	30-09-2020	-	31-03-2021
153B	Passing assessment order u/s 153A where last authorization was drawn during FY 2018-19	30-09-2020	-	31-03-2021
245D(4)	Order passed by Settlement Commission	Within 18 months from the end of the month in	30.06.2020	31.03.2021

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
245D(1)	Due Date for issuance of notice for hearing by Settlement Commission within 7 days from the date of application: - falls between 20.03.2020 to 29.06.2020 - falls between 30.06.2020 to 31.12.2020	- -	30.06.2020 NA	31.03.2021 31.03.2021
245D(2C)	Due Date for declaring an application as valid or invalid by Settlement Commission and within 15 days from receipt of specified report or otherwise: - falls between 20.03.2020 to 29.06.2020 - falls between 30.06.2020 to 31.12.2020	- -	30.06.2020 NA	31.03.2021 31.03.2021
245D(4)	Order passed by Settlement Commission	Within 18 months from the end of the month in which application was made	30.06.2020	31.03.2021

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Sec. 200(2A) r.w.r. 31A	Furnishing of information by the office of the government for payment of TDS without production of a challan.	31-05-2020	30-06-2020	15-07-2020
Sec. 200 r.w.r. 31A	Furnishing of TDS Statement in form 24Q/ 26Q/ 27Q for the month of: - January, 2020 - February, 2020 - March, 2020	30-03-2020 30-04-2020 30-05-2020	30-06-2020 30-06-2020 30-06-2020	31-07-2020 31-07-2020 31-07-2020
Sec. 203 r.w.r. 31	Issue of TDS Certificates: - Form 16 (TDS on Salary paid for FY 2019-20)	15-06-2020	30-06-2020	15-08-2020

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Sec. 200 r.w.r. 31A	Furnishing of TDS Statement in form 24Q/ 26Q/ 27Q for the quarter ended: -June 2020 -September 2020	31-07-2020 31-10-2020		31-03-2021 31-03-2021
Sec. 206C r.w.r. 37D	Furnishing of TCS Statement for the quarter ended: -June 2020 -September 2020	15-07-2020 15-10-2020		31-03-2021 31-03-2021
Sec. 200 (3) r.w.r. 31A	Furnishing of TDS Statement in form 26QB/ 26QC/ 26QD for the month of: - February, 2020 - March, 2020 - April, 2020 - May, 2020 to November, 2020	30 th of succeeding month	30-06-2020 30-06-2020 30-06-2020 NA	31-07-2020 31-07-2020 31-03-2021 31-03-2021

Section	Particulars	Original Due Date	Extended Due Date by Ordinance	Revised Due Date by Notification
Sec. 206C r.w.r. 37D	Furnishing of TCS Statement for the fourth quarter of the Financial Year 2019-20	30-05-2020	30-06-2020	31-07-2020
Sec. 206C r.w.r. 37CA and Sec. 192(1A) r.w.r. 30	Furnishing of Form 24G by an office of Government for the month of: <ul style="list-style-type: none"> - March, 2020 - April, 2020 - May, 2020 - June 2020 TO November 2020 	30-04-2020 15-05-2020 15-06-2020 15 th of next month	30-06-2020 30-06-2020 30-06-2020 NA	15-07-2020 15-07-2020 15-07-2020 31-03-2021
Sec. 200A & Sec 206CB	Due date to send the intimation for processing of statement of TDS/TCS filed during the Financial Year 2018-19	31-03-2020	30-06-2020	31-03-2021

Section	Particulars	Original Due Date	Extended Due Date*	Revised Due Date by Notification
Sec. 10AA	Commencement of operation by the SEZ units for claiming deduction under section 10AA <i>Note: If necessary approval is received by SEZ units on or before March 31, 2020</i>	Due Date up to 29-06-2020 Due Date Up to 31-12-2020	30-06-2020 NA	31-03-2021 31-03-2021
Sec. 54 to Sec. 54GB	Making Investments or completing construction/ purchase for claiming deduction from capital gains arising during the FY 2019-20.	Due Date b/w 20-03-2020 & 29-06-2020 Due Date b/w 30-06-2020 & 29-09-2020	30-06-2020 NA	30-09-2020 30-09-2020
Chapter VI-A (Part B)	Making various tax saving investments or payments for the FY 2019-20 (<i>Sec. 80C to 80GGC</i>)	31-03-2020	30-06-2020	31-07-2020
Sec. 285BA r.w.r. 114E	Furnishing of Statement of Financial Transactions (SFT) for the FY 2019-20	31-05-2020	30-06-2020	31-03-2021

List of Time Limits Extended under Other Specified Act

Act	Section	Particulars	Original Due Date	Extended Due Date
The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015	11	Time limit for completion of assessment or reassessment in respect of which notice u/s 10(1) issued during FY 2017-18.	31-03-2020	31-03-2021
The Benami Transactions (Prohibition) Amendment Act, 2016	26	Time limit for completion of adjudication proceeding in respect of which reference was made to adjudicating authority on or after 01-03-2019 but before 31-12-2020.	1 year from the end of the month in which reference was made by IO	31-03-2021
Wealth Tax	17	Time limit for completion of assessment or reassessment in respect of AY 2017-18	31-03-2020	31-03-2021

Reduction of Interest payable on tax due to be paid between 20.03.2020 and 29.06.2020 under specified acts [Section 3(2)]

Where any due date has been specified in, or prescribed or notified under, the specified Act for payment of any amount towards tax or levy, by whatever name called, which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020 or such other date after the 29th day of June, 2020 as the Central Government may, by notification, specify in this behalf, and such amount has not been paid within such date, but has been paid on or before the 30th day of June, 2020, or such other date after the 30th day of June, 2020 as the Central Government may, by notification, specify in this behalf, then, notwithstanding anything contained in the specified Act, -

- (a) the rate of interest payable, if any, in respect of such amount for the period of delay shall not exceed three-fourth per cent. for every month or part thereof;
- (b) no penalty shall be levied and no prosecution shall be sanctioned in respect of such amount for the period of delay.

Explanation. – For the purposes of this sub-section, “the period of delay” means the period between the due date and the date on which the amount has been paid.

Analysis

1. The Ordinance provides for reduction in rate of interest applicable on taxes or levy due for payment between 20.03.2020 and 29.06.2020 under various provisions of the specified acts to 0.75% per month or part of the month if such tax or levy is paid after such due date but before 30.06.2020 any other date as may further be extended by CG later on. In case, such tax is paid after 30.06.2020 or any other date as may further be extended by CG later on, interest shall be chargeable at prescribed rate only for complete period i.e. from the date such tax becomes due till the date of actual payment.
2. Also, neither penalty shall be levied nor prosecution shall be sanctioned in case of failure on part of the assessee to make such payment of tax on or before due dates prescribed under the respective legislation.

Amendment by Notification dated 24.06.2020

CG by notification dated 24.06.2020 has extended the **date for payment of self assessment tax** in the case of a taxpayer **whose self-assessment tax liability is upto Rs. 1 lakh has also been extended to 30th November, 2020**. However, it is clarified that there will be no extension of date for the payment of self-assessment tax for the taxpayers having self-assessment tax liability exceeding Rs. 1 lakh. In this case, the whole of the self-assessment tax shall be payable by the due dates specified in the Income-tax Act, 1961 (IT Act) and delayed payment would attract interest under section 234A of the IT Act.

PM CARES FUND [Section 4]

In the Income-tax Act, 1961, with effect from the 1st day of April, 2020, -

- (i) in section 10, in clause (23C), in sub-clause (i), after the word “Fund”, the words and brackets “or the Prime Minister’s Citizen Assistance and Relief in Emergency Situations Fund (PM CARES FUND)” shall be inserted;
- (ii) in section 80G, in sub-section (2), in clause (a), in sub-clause (ilia), after the word “Fund”, the words and brackets “or the Prime Minister’s Citizen Assistance and Relief in Emergency Situations Fund (PM CARES FUND)” shall be inserted.

Analysis

1. The Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM CARES Fund) has been set up by the Central Government on 28-03-2020 following the COVID-19 pandemic in India. The fund will be used for combating the Coronavirus outbreak and similar pandemic like situations in the future.
2. To encourage donations to PM CARES Fund, the Government has amended Section 80G of the Income-tax Act, 1961 through this ordinance, to allow 100% deduction of amount donated to PM CARES Fund from his total Income. Further, provision of section 80G(4) of the Income Tax Act, 1961 restricting total deduction to maximum of 10% of total income is also not applicable in this respect.
3. Provisions of Section 10(23C) of the Income Tax Act, 1961 have been amended to provide that income of PM CARES Fund shall be exempt.

Extract of Press Release dated 31.03.2020

4. As the date for claiming deduction u/s 80G under IT Act has been extended up to 30.06.2020, the donation made up to 30.06.2020 shall also be eligible for deduction from income of FY 2019-20. Hence, any person including corporate paying concessional tax on income of FY 2020-21 under new regime can make donation to PM CARES Fund up to 30.06.2020 and can claim deduction u/s 80G against income of FY 2019-20 and shall also not lose his eligibility to pay tax in concessional taxation regime for income of FY 2020-21.

Analysis

1. As per the press release, donation made to PM CARES Fund till 30.06.2020 shall be eligible for claiming deduction u/s 80G of the Income Tax Act, 1961 for FY 2019-20.
2. Further, any person including corporate assessee opting to pay concessional tax on the income for FY 2020-21 under the new regime can, claim deduction u/s 80G of the Income Tax Act, 1961 against total income for FY 2019-20 without losing its eligibility to opt for such concessional rate of tax regime in FY 2020-21.
3. However, if any assessee claims deduction u/s 80G of the Income Tax Act, 1961 against the total income for FY 2020-21, such assessee shall not be eligible to opt for such concessional rate of tax regime.

Amendment to Vivad Se Vishwas Scheme[Section 5]

In section 3 of the Direct Tax Vivad Se Vishwas Act, 2020, -

- (a) in third column, in the heading, for the figures, letters and words “31’ day of March, 2020”, the figures, letters and words “30th day of June, 2020” shall be substituted;
- (b) in fourth column, in the heading, for the figures, letters and words “I “day of April, 2020”, the figures, letters and words “1 ‘day of July, 2020” shall be substituted.

Amendment by Notification dated 24.06.2020:-

Where the specified Act is the Direct Tax Vivad se Vishwas Act, 2020, the 30th day of December, 2020 shall be the end date of the period during which the time limit specified in, or prescribed or notified thereunder falls for the completion or compliance of the action and the 31st day of December, 2020 shall be the end date to which the time limit for completion or compliance of such action shall stand extended.

Analysis

1. Through this ordinance, provisions of Vivad Se Vishwas Scheme have been amended to extend the period of filing declaration under the scheme and payment of tax without payment of additional tax till 31.12.2020 as against 31.03.2020 originally prescribed under the said act.

THANK YOU..!!

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