

F.No.225/282/2017/ITA.II
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes (ITA.II)

North Block, New Delhi, the 12th of July, 2019

To

All Pr. Commissioners of Income-tax

Sir/Madam

Subject: Clarification on certain procedural and technical issues regarding the Income Disclosure Scheme, 2016 (IDS) under section 119 of the Income-tax Act, 1961 read with section 195 of the IDS -reg.

With reference to the Income Disclosure Scheme (IDS), it has been reported that in some of the declarations, the concerned declarant had effected an excess payment of liability. Consequently, such declarations have been kept on hold for issuance of IDS Form-4 as section 191 of the IDS scheme provides that any amount of tax and surcharge paid under section 184 or penalty paid under section 185 in pursuance of a declaration made under section 183 is non-refundable. While decision regarding payment made in excess of the determined liability towards the IDS as per the prescribed three installment schedule would be taken in due course, the Board is of the view that these declarations should not be kept on hold merely for the reason that the declarant had effected an excess payment towards the IDS. Accordingly, in these cases, IDS Form-4 may be issued while payment made in excess of the determined liability as per IDS Form-2 may be kept in suspense for the time-being.

2. The second issue is regarding the pending declarations under IDS where the declarant had made complete payment of the determined liability in accordance with the prescribed installment schedule but they did not upload IDS Form 3 (the intimation of payment towards the installments). Hence, IDS Form-4 has not been issued in these cases. In this regard, Board is of the view that IDS Form-3 is only a declaration of the

payments made by the declarant and therefore, where the system has matched 100% payment by the declarant within the prescribed timeframe and the same is being shown as paid as per the system, the concerned Pr. CITs may make a reference to the Pr. DGIT(Systems) to grant permission/facility to issue IDS Form-4 in these cases. However, one final opportunity should be accorded to the declarants by the Pr. CsIT to upload the IDS Form-3 themselves.

3. All actions which are to be completed as a consequence of this order either by the declarants or the departmental authorities are to be completed, by 31st August, 2019.

Yours faithfully,

-sd-

(Rajarajeswari R.)
Under Secretary to Government of India

Copy to:-

- i. Chairman, CBDT & All Members, CBDT
- ii. All Pr.CCsIT/Pr.DsGIT
- iii. Pr. DGIT(Systems) with request to take necessary measures to implement the above order
- iv. Addl.CIT (Database Cell) for uploading on the departmental website

Rajarajeswari R.
(Rajarajeswari R.)
Under Secretary to Government of India