



JEEVIKA

An Initiative of Government of Bihar for Poverty Alleviation

**Bihar Rural Livelihoods Promotion Society
State Rural Livelihoods Mission, Bihar**



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Office Order

Timely deposit of TDS amount in Government Account is a statutory requirement. Therefore, non-deduction or less deduction of TDS and not depositing the amount or depositing with wrong PAN is a serious matter which attracts penal action against the person/ organization responsible for this. Non submission of PAN or submission of wrong PAN attracts penal provisions like deduction of tax at higher rate. If the payer does not deposit the whole or part of the deductible/ deducted amount within specified time, the payer is deemed to be an " Assessee in default" in respect of such short deduction/ amount not deposited within time frame and is liable for interest and penalties under provisions of section 201(1), (1A) of the Act. Accordingly, the payer becomes liable for the amount of such non/short deduction. In such circumstances, the payer is also liable to pay interest for the late payment u/s 201 (1A) of the Act.

BRLPS hires service providers. TDS has to be deducted from payments to such service providers.

To facilitate the compliance at BRLPS level, it has been decided to decentralize the filing of TDS Return to District level. For this purpose it is required to obtain district-wise Tax deduction and collection Account Number (TAN).

For obtaining TAN:-

1. *An application for allotment of TAN has to be filed in Form 49B and submitted at any of the TIN Facilitation Centers meant for receipt of e-TDS returns. (No documents are required to be submitted along with the application for allotment of TAN). Status of application can be obtained by accessing NSDL-TIN website at the "**Status track**" option and quoting unique 14-digit acknowledgement number after three days of applying TAN is allotted by the Income Tax Department on the basis of the application submitted to TIN (Tax Identification Number) Facilitation Centers managed by NSDL. NSDL will intimate the TAN which will be required to be mentioned in all future correspondences relating to TDS/TCS.*

After receiving the TAN, DPCUs have to file eTDS return on quarterly basis within stipulated period in the following table:--

Sl. No	TDS Statement	Due date	Interest U/S 201 (1A)	Penal Provision U/S 234 A	Penal Provision U/S 234 E	Date up to which no penalty u/s 271H can be imposed
1	30th June	15th July	(i) 1% p.m. or part thereof for non deduction of applicable TDS (ii) 1.5% p.m. or part thereof of delayed deposit of deducted TDS.	Delay in furnishing the return of income would attract interest @ 1% per month or part thereof for the delayed period.	Rs 200 per day till the failure to file the TDS Return continues, limited up to TDS amount deductible for which statement was required to be filed.	15th July next year
2	30th September	15th October				15th October next year
3	31st December	15th January				15th January next year
4	31st March	15th May				15th May next year

Non filing or late filing of TDS returns or TDS statement shall invite 2 penal consequence 1.Fee for late filing U/s 234E and 2. Penalty for late filing or Non filing of TDS statement U/s 271H.

Fee U/s 234E for late filing of TDS Statement:

If some district filed late income tax return, there is consequential penalty in form of interest u/s 234A if there was tax due as per return. Similarly a new section 234E of IT Act has become effective from **1st of July 2012**, with heading "Levy of Fee in certain cases". As per this section of the Act, a deductor will be liable to pay by way of fee of Rs 200 per day till the failure to file TDS statement continues, however, the total fee cannot exceed the amount of TDS deductible for which statement was required to be filed.


Penalty for late filing or non- filing of TDS statement

Another penalty provision has been inserted as section 271H which provides that a deductor shall pay a penalty of minimum **Rs 10,000 to Rs 1 lakh for not filing the TDS statement** within one year from the specified date for filing of the statement. This amendment has been also effective from **1st July 2012**.

This order shall come into force with immediate effect and shall be adhered to by all DPCUs. For ensuring this, following directions are given:--

- a. At DPCU level, TDS certificate will be downloaded by Finance Manager from IT department TRACES SITE and after considering it, the same will be signed and issued by the DPM.
- b. At DPCU level, DPM and FM will be jointly responsible for deducting TDS and filing of Quarterly TDS return in time. It should be ensured that deducted amounts are deposited against correct TIN.
- c. At DPCU level, it would be the joint responsibility of DPM and FM to attend to any query/ notice from I.T. department in respect of short deduction, non-deduction, deduction without TIN or against wrong TIN and send compliance to the same.
- d. As per requirement, DPMs may hire Resource Person/s from local market for filing of Quarterly TDS return in timely and correct manner and downloading TDS certificate from IT TRACES SITE for the issuance of TDS certificates to the person/ agency concerned.

All DPMs and FMs are directed to ensure strict adherence to these instructions. Any deviation in this regard will be viewed seriously. For any clarification/ support on this, they may contact Chief Finance Officer/ Finance Officer/ State Finance Manager at SPMU, Patna.


17/5/2014

(Arvind Kumar Chaudhary)

Chief Executive Officer-cum-State Mission Director

For distribution

1. Addl. CEO/Director/OSD/CFO/AO/FO/PS.
2. All PCs/SPMs/PMs/SFMs/AFMs.
3. All DPMs/FMs.
4. IT section.
5. Concerned File.