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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

INCOME-TAX

New Delhi, the 6th September 1967

S.O. 3218.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. These rules may be called the Income-tax (Fifth Amendment) Rules, 1967.

2. In rule 28 of the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), after sub-rule (1), the following sub-rule shall be inserted namely:—

‘(1A) An application by a person, other than a company, for a certificate under clause (a) of sub-section (1) of section 197 in respect of interest other than “Interest on Securities” shall be made in Form No. 13A.’

3. After rule 29 of the principal rules, the following rule shall be inserted, namely:—

‘29A. Statement by person claiming receipt of interest other than “Interest on Securities” without deduction of tax.—The statement in writing to be furnished under the proviso to sub-section (1) of section 194A shall be in Form No. 15A and shall be verified in the manner indicated therein.’

4. In rule 30 of the principal rules,—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely:—

(1) All sums deducted in accordance with the provisions of sections 192 to 194, section 194A and section 195 shall be paid to the credit of the Central Government—

(a) in the case of deduction by or on behalf of the Government, on the same day;

(b) in all other cases,—

(1) in respect of sums deducted in accordance with the provisions of section 194A, within one week from the last day of the month in which the deduction is made; and

(ii) in respect of sums deducted in accordance with the other provisions, within one week from the date of such deduction or the date of receipt of the chalan by the person making the deduction, as the case may be:

Provided that the Income-tax Officer may, in special cases, and with the approval of the Inspecting Assistant Commissioner,—

(a) in cases falling under clause (i), permit any person to pay the income-tax deducted from any income by way of interest, other than income chargeable under the head "Interest on Securities" quarterly on July 15th, October 15th, January 15th and April 15th, and

(b) in cases falling under clause (ii), permit an employer to pay income-tax deducted from any income chargeable under the head "Salaries" quarterly on June 15th, September 15th, December 15th and March 15th;

(ii) in sub-rule (3), for the words and figures "sections 193, 194 and 195", the words, figures and letter "sections 193, 194, 194A and 195" shall be substituted.

5. In rule 31 of the principal rules,—

(1) after sub-rule (4), the following sub-rule shall be inserted, namely:—

(4A) The certificate of deduction of tax to be furnished under section 203 by any person responsible for paying any income by way of interest other than income chargeable under the head "Interest on Securities", shall be in Form No. 19A;

(2) in sub-rule (5), for the brackets and figure "(4)", the brackets, figure and letter "(4A)" shall be substituted.

6. In rule 37 of the principal rules, after sub-rule (2), the following sub-rule shall be inserted, namely:—

(2A) The person making deduction of tax in accordance with section 194A from income by way of interest other than income chargeable under the head "Interest on Securities" shall send to the Income-tax Officer having jurisdiction to assess him a statement in Form No. 26A quarterly on July 15th, October 15th, January 15th and April 15th in respect of the deduction made by him during the immediately preceding quarter.

7. After rule 37 of the principal rules, the following rule shall be inserted, namely:—

"27A. *Return of interest paid to residents without deduction of tax.*—The return to be delivered to the Income-tax Officer under section 208A within thirty days from the 31st day of March in each year, shall be prepared in Form No. 27A and shall be verified in the manner indicated therein."

8. In rule 41 of the principal rules, in sub-rule (3), for the words and figures "sections 192 to 195", the words, figures and letter "sections 192 to 194, section 194A and section 195" shall be substituted.

9. In Appendix II to the principal rules,—

- (1) in Form No. 1, the words "Seal of the company", wherever they occur, shall be, and shall be deemed always to have been, omitted;
- (2) after Form No. 13, the following Form shall be inserted, namely:—

"FORM NO. 13A

[See rule 28(1A)]

Application by a person other than a company for a certificate under section 191(1) of the Income-tax Act, 1961 relating to deduction of tax from interest other than "Interest on Securities"

To

The Income-tax Officer,

.....

*I, ... of do hereby declare that my total income computed in accordance with the provisions of the Income-tax Act, 1961 for the previous year relevant to the assessment year 19 19 (including the income by way of interest in respect of sums, particulars of which are given in the Schedule hereto) was less than the minimum liable to income-tax amounted to Rs. and I have no reason to expect that my total income for the previous years relevant to the three assessment years next following will increase substantially.

*I, ... the trustee/co-trustee of do hereby declare that the sums (particulars of which are given in the Schedule hereto) are property held under trust wholly for charitable or religious purposes and that the interest therefrom qualifies for exemption under sections 11 and 13 of the Income-tax Act, 1961 and that not less than 75 per cent. of the income of the trust shall be applied for charitable or religious purposes as required by sub-section (1) read with sub-section (3) of section 11 of the said Act.

I, therefore, request that a certificate may be issued to the person responsible for paying the interest on the said sums authorising him not to deduct income-tax to deduct income-tax at the rate of to deduct income-tax at the rate of per cent.

at the time of payment of such interest

I hereby declare that what is stated in this application is correct

Date

Signature

Address

SCHEDULE

Sl. No.	Name and address of the person to whom the sums are given on interest	Amount of such sums	The date on which such sums were given on interest	Period for which such sums were given on interest	Rate of interest
1	2	3	4	5	6

Note: *Delete the inappropriate paragraph and words.

(3) after Form No. 15, the following Forms shall be inserted, namely:—

"FORM NO. 15A

[See rule 29A]

Statement under the proviso to section 194A(1) of the Income-tax Act relating to deduction of tax from income by way of interest other than income chargeable under the head "Interest on securities".

I/We* do hereby declare
(Name of the person entitled to receive the interest)
that my/our* estimated total income assessable for the assessment year next
following the financial year 19 19 will be less than the minimum
liable to income-tax.

2. I give below the other necessary particulars:—

- (a) Full name and address of the person(s) making the statement
- (b) Father's name
- (c) Occupation of the person(s) making the statement
- (d) Name of Income-tax Circle/Ward/District where last assessed to tax. (If not assessed to income-tax at any time, state "NOT ASSESSED")

3. I further declare that to the best of my knowledge and belief the information furnished above is correct, complete and is truly stated.

Place Signature

Date Signature

ATTESTATION BY GAZETTED OFFICER

Certified that the above statement has been signed in my presence by Shri/Sarvashri who is/are* known to me.

.....
Name, designation and signature of
the Gazetted Officer.

Place

Date

NOTE.—Delete whichever is not applicable.”;

(4) after Form No. 19, the following Form shall be inserted, namely:—

"FORM NO. 19A

[See rule 31 (4A)]

Certificate of deduction of tax from interest other than "Interest on Securities" under section 203 of the Income-tax Act

To

.....
(Name and address of the payee)

I/We* certify that a sum of
(Name and address of the payer)

Rs. being income-tax at the rate of per cent., has been deducted from Rs.
..... being the amount of interest at the rate of
..... per cent. per annum on Rs., credited to your
account/paid* to you on The

amount deducted at source has been paid to the credit of the Central Government on/* will be paid to the Central Government by

Signature of the person responsible
for deducting and paying the tax.

Place _____

Date _____

NOTE.—Delete whichever is not applicable.;

(5) after Form No. 26, the following Form shall be inserted, namely:—

“FORM NO. 26A

[See rule 37(2A)]

Statement of deduction of tax under section 194A of the Income-tax Act, 1961
from interest other than “Interest on Securities”

1. Name and address of the person responsible for paying any income by way of interest other than income chargeable under the head “Interest on securities”, ...
2. Period during which interest is credited/paid.
3. Details of interest credited/paid during the period mentioned against item 2 and of tax deducted at source.

Amount of interest credited/paid	Date(s) on which tax was deducted at source	Date on which tax de- ducted was paid to the credit of the Central Government. (Here give also the numbers and date of the che- que through which tax was paid.)
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(a) From interest payable to
companies:—

Name and address of the
company.

- 1.
- 2.
- 3.
4. etc.

TOTAL—(A)

(b) From interest payable to
persons other than com-
panies:—

Name and address of the
recipient.

- 1.
- 2.
- 3.
4. etc.

TOTAL—(B)

(c) GRAND TOTAL—(A) + (B)

I, ..., certify that the above statement is correct and complete.

**Signature of the person
making the deduction."**

Place

Date

(6) after Form No. 27, the following Form shall be inserted, namely:—

“FORM No. 27A

[See rule 37A]

Annual return under section 206A of the Income-tax Act, 1961 of interest other than "Interest on Securities" credited/paid during the financial year 19..... 19..... without deduction of tax.

Name and address of the person responsible for paying the income.

Sl. No.	Name and address of the person to whom the interest was credited/paid without deduction during the financial year on his furnishing an affidavit or statement under the proviso to section 194A(1).	Amount of interest credited to the account of, or paid to, the person mentioned in column 2 during the financial year.	Date(s) of credit or payment
1.			
2.			
3.			

1	2	3	4
1.			
2.			
3.			

I certify that—

(i) the above statement contains a complete list of every person to whose account interest other than interest on securities was credited or to whom such interest was paid during the financial year 19..... 19..... without deduction of tax on his furnishing an affidavit or statement under the proviso to section 194A(1);

(ii) all the particulars furnished above are correct and complete.

Place

Date

**Signature of the person
by whom the return is delivered,"**

[No. 96/F. No. 3(24)/67-TPL.]

HARIHAR LAL, Secy