

Date: 04/01/2020

To,
The Chairman
Central Board of Direct Taxes
North Block
New Delhi

Respected Sir,

Sub: Speedy disposal of high-pitched assessments to avoid harassment to the tax payer and reduce disputed demand before March 2020

We wish to draw your kind attention to the below mentioned points related to high-pitched assessments:

1. Cases which were reopened as well as assessments for A.Y.2017-18 are completed by the I.T. Department on or before 31/12/2019.
2. For the first-time concept of e-assessment was introduced by CBDT.
3. During E-assessment proceedings certain difficulties were faced by the tax payers and tax consultants.
4. Sometimes the papers required to be scanned and uploaded were more than 1000 in certain cases.
5. Copy of bank account uploaded was not visible on account of quality of bank statement.
6. The details uploaded appeared after 2 days and thus the assessing officers were deprived of scrutinizing certain papers / documents in stipulated time.
7. If the details were called by assessing officer, assessee are not used to check their emails every day.
8. The first registered ID is of the assessee and when they do not check their mail, there may be delay in compliance of the details called by the assessing officer.
9. Gradually the time given by the assessing officers for submission of the details was reduced from 7 days to 2-3 days.

Durgesh V. Buch
President

Natubhai Patel
Sr. Vice President

Bhargav Thakkar
Vice President

Sanjeev Chhajer
Secretary

Dilip M. Padhya
Secretary (R)

Pathik S. Patwari
Treasurer

10. In small places there is problem of uninterrupted connectivity & consistency of data speed

11. In many places in India accountants are also doing work of preparing I.T. Return, TDS return etc. As they are not much qualified, the details submitted may not be as per the satisfaction of assessing officer or as per the format called by the assessing officer and on account of that adverse view have been taken and additions are made.

12. Genuine problems faced by the tax payers / tax consultants are given here under in which heavy additions are made.

12.1 Where the books of accounts are maintained but the return was delayed on account of genuine reason i.e. death of partner, death of accountant, accountant left the job in the middle of the year, etc. This delay is adversely viewed on account of high denomination notes deposited during 10th November, 2016 to 31st December, 2016.

12.2 In the cases where the notice calling cash deposit was defective as there was a mistake in column for cash transaction and additional CIT was requested to intervene and before decision was taken by additional CIT addition is made.

12.3 Cash available during demonetization period was more or less similar to previous years and cash received upto 08/11/16 was properly explained still the additions are made.

12.4 When withdrawal from the bank was redeposited, still the additions are made.

12.5 Where the assessee is filing Form-2 but has maintained books of accounts though not required as per law and cash deposited during demonetization period is properly explained, still the additions are made.

12.6 NRE visiting India frequently for a short visit less than 30 days in a financial year and out of amount brought in dollar which was exchanged and kept in India for emergency needs and deposited during demonetization period is also not considered. There is no business in India and AO has not proved other source of income in India.

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12.7 On account of senior citizen in the family, if cash was kept for emergency needs and deposited in the bank during demonetization period is also not considered.

12.8 Amount received out of sales and outstanding collection and deposited in bank account during demonetization period is also not considered.

12.9 No minimum amount is considered and entire amount of deposit in bank account is added. This is against the concept of human probabilities.

12.10 Looking to the family size, income earned, withdrawals made during current and previous years and out of that reasonable amount is deposited in bank account during demonetization period is also not considered.

12.11 In many cases when tax consultant of the taxpayer tried to contact Addl. CIT/Joint CIT, they refused being E-assessment proceedings.

12.12 Above are the few examples. There may be more.

13. It is requested by this representation that CIT may take such cases u/s.264 suo moto if the difficulties is brought to his/her notice by the assessee and can give appropriate relief after considering the facts of the case.

14. If this is done, the pressure of payment of disputed tax will be reduced.

15. When the decision is taken by CIT there will not be any question of further appeal to ITAT.

16. Judicious and pragmatic view by your office required to be taken in the interest of tax payers and to correct the mistakes which are committed on account of e-assessment proceedings. If this is done the grievance of the assessee in genuine cases will be redressed.

17. CIT(A)s may also be directed to hear appeals of high pitched assessments out of turn.

18. Application filed to high pitched assessment committee headed by Pri. CCIT may take prompt action for reducing genuine grievance in cases of high-pitched assessments.

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19. Weekly meetings may be held by range CIT's for redressal of genuine grievances of the tax payers.

Hope you will take immediate action in this matter.

Thanking you,

Sincerely yours,



Jainik Vakil
Chairman
Direct Tax Committee



Bakul Parikh
Co-Chairman
Direct Tax Committee

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Sr. Vice President

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