

Finance Act 1974

Section 13 - Consequential Amendments to Certain Sections

(1) The following amendment (being an amendment of a consequential nature) shall be made in the Income-tax Act, namely :-

In section 155, after sub-section (10), the following sub-sections shall be inserted, namely :-

"(11) Where in the assessment for any year, the deduction under section 80N in respect of any income, being the whole or any part of income by way of dividends as is referred to in that section, has not been allowed on the ground that such income has not been received in convertible foreign exchange in India, or having been received in convertible foreign exchange outside India, or having been converted into convertible foreign exchange outside India, has not been brought into India, by or on behalf of the assessee in accordance with any law for the time being in force for regulating payments and dealings in foreign exchange and subsequently such income or part thereof is received in, or brought into, India in the manner aforesaid, the Income-tax Officer shall amend the order of assessment so as to allow deduction under section 80N in respect of such income or part thereof as is so received in, or brought into, India and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the date on which such income is so received in, or brought into, India.

(12) Where in the assessment for any year, the deduction under section 80-O in respect of any income, being the whole or any part of income by way of royalty, commission, fees or any similar payment as is referred to in that section, has not been allowed on the ground that such income has not been received in convertible foreign exchange in India, or having been received in convertible foreign exchange outside India, or having been converted into convertible foreign exchange outside India, has not been brought into India, by or on behalf of the assessee in accordance with any law for the time being in force for regulating payments and dealings in foreign exchange and subsequently such income or part thereof is received in, or brought into, India, in the manner aforesaid, the Income-tax Officer shall amend the order of assessment so as to allow deduction under section 80-O in respect of such income or part thereof, as is so received in, or brought into, India and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the date on which such income is so received in, or brought into, India."

(2) The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act with effect from the 1st day of April, 1975, namely :-

- (i) in sub-section (2) of section 75, for the words, brackets and figures "or sub-section (1) of section 74", the words, brackets, figures and letter ", sub-section (1) of section 74 or sub-section (3) of section 74A" shall be substituted;
- (ii) in clause (b) of sub-section (2) of section 77, after the word and figures "section 74", the words, brackets, figures and letter "or sub-section (3) of section 74A" shall be inserted;
- (iii) in section 80, after the word and figures "section 74", the words, brackets, figures and letter "or sub-section (3) of section 74A" shall be inserted;
- (iv) in sub-section (3) of section 80A, the words, figures and letters "or section 80MM or section 80N or section 80-O" shall be omitted;
- (v) in clause (iv) of sub-section (2) of section 141A, after the word and figures "section 74", the words, brackets, figures and letter "or sub-section (3) of section 74A" shall be inserted;
- (vi) in sub-clause (iv) of clause (b) of sub-section (1) of section 143, after the word and figures "section 74", the words, brackets, figures and letter "or sub-section (3) of section 74A" shall be inserted;
- (vii) in sub-section (4) of section 155, after the word and figures "section 74", the words, brackets, figures and letter "or sub-section (3) of section 74A" shall be inserted;
- (viii) in section 157, for the words, brackets and figures "or sub-section (1) section 74", at both the places where they occur, the words, brackets, figures and letter ", sub-section (1) of section 74 or sub-section (3) of section 74A" shall be substituted.