

Finance Act, 2012, (Central)

Section 77 - Amendment of Section 201

In section 201 of the Income-tax Act,--

(A) with effect from the 1st day of July, 2012--

(i) in sub-section (1),--

(a) before the proviso, the following proviso shall be inserted, namely:--

"Provided that any person, including the principal officer of a company, who fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the account of a resident shall not be deemed to be an assessee in default in respect of such tax if such resident--

(i) has furnished his return of income under section 139;

(ii) has taken into account such sum for computing income in such return of income; and

(iii) has paid the tax due on the income declared by him in such return of income, and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed:";

(b) in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted;

(ii) after sub-section (1A), the following proviso shall be inserted, namely:--

"Provided that in case any person, including the principal officer of a company fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the account of a resident but is not deemed to be an assessee in default under the first proviso of sub-section (1), the interest under clause (i) shall be payable from the date on which such tax was deductible to the date of furnishing of return of income by such resident";

(B) in sub-section (3), in clause (ii), for the words "four years", the words "six years" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2010;

(C) after sub-section (4), the following Explanation shall be inserted with effect from the 1st day of July, 2012, namely:--

"Explanation.--For the purposes of this section, the expression "accountant" shall have the meaning assigned to it in the Explanation to sub-section (2) of section 288."

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