

Finance Act, 2002

Section 65 - AMENDMENT OF SECTION 158-BB -In Section 158-BB-of the Income Tax Act, in sub-section

1), with effect from the 1st day of July, 1995,- (i) for the portion beginning with the words and figure "in accordance with the provisions of Chapter IV," and ending with the words "as are available with the Assessing Officer", the words "in accordance with the provisions of this Act, on the basis of evidence found as a result of search or requisition of books of account or other documents and such other materials or information as are available with the Assessing Officer and relatable to such evidence" shall be substituted and shall be deemed to have been substituted; (ii) in clause (a), for the words "have been concluded", the words "have been concluded prior to the date of commencement of the search or the date of requisition" shall be substituted and shall be deemed to have been substituted; (iii) in clause (b), for the words and figures "orSection 147-", the words, brackets and figures "or in response to a notice issued under sub-section (1) ofSection 142-orSection 148-" shall be substituted and shall be deemed to have been substituted; (iv) for clause (c), the following clauses shall be substituted and shall be deemed to have been substituted, namely:- "(c) where the due date for filing a return of income has expired, but no return of income has been filed,- (A) on the basis of entries as recorded in the books of account and other documents maintained in the normal course on or before the date of the search or requisition where such entries result in computation of loss for any previous year falling in the block period; or (B) on the basis of entries as recorded in the books of account and other documents maintained in the normal course on or before the date of the search or requisition where such income does not exceed the maximum amount not chargeable to tax for any previous year falling in the block period; (c-a) where the due date for filing a return of income has expired, but no return of income has been filed, as nil, in cases not falling under clause (c);"; (v) in the Explanation, in clause (a),- (i) for the word and figures "Chapter IV", the words "this Act" shall be substituted and shall be deemed to have been substituted; (ii) the following proviso shall be inserted and shall be deemed to have been inserted, namely:- "Provided that in computing deductions under Chapter VI-A for the purposes of the said aggregation, effect shall be given to set-off of brought forward losses under Chapter VI or unabsorbed depreciation under sub- section (2) ofSection 32-;".