

Income Tax Act, 1961

Section 272A - Penalty for Failure to Answer Questions, Sign Statements, Furnish Information, Returns or Statements, Allow Inspections, Etc.

(1) If any person,

- (a) being legally bound to state the truth of any matter touching the subject of his assessment, refuses to answer any question put to him by an income-tax authority in the exercise of its powers under this Act ; or
- (b) refuses to sign any statement made by him in the course of any proceedings under this Act, which an income-tax authority may legally require him to sign ; or
- (c) to whom a summons is issued under sub-section (1) of section 131 either to attend to give evidence or produce books of account or other documents at a certain place and time omits to attend or produce books of account or documents at the place or time ; or
- (d) 1[***]

he shall pay, by way of penalty, 2[a sum of ten thousand rupees] for each such default or failure.

(2) If any person fails

- (a) to comply with a notice issued under sub-section (6) of section 94 ; or
- (b) to give the notice of discontinuance of his business or profession as required by sub-section (3) of section 176 ; or
- (c) to furnish in due time any of the returns, statements or particulars mentioned in section 133 or section 206 or section 206C or section 285B ; or
- (d) to allow inspection of any register referred to in section 134 or of any entry in such register or to allow copies of such register or of any entry therein to be taken ; or
- 3[(e) to furnish the return of income which he is required to furnish under sub-section (4A) or sub-section (4C) of section 139 or to furnish it within the time allowed and in the manner required under those subsections; or]
- (f) to deliver or cause to be delivered in due time a copy of the declaration mentioned in section 197A ; or
- (g) to furnish a certificate as required by section 203 or section 206C ; or
- (h) to deduct and pay tax as required by sub-section (2) of section 226 ; or

4[(i) to furnish a statement as required by sub-section (2C) of section 192 ; or]

5[(j) to deliver or cause to be delivered in due time a copy of the declaration referred to in sub-section (1A) of section 206C ; or]

6[(k) to deliver or cause to be delivered a copy of the statement within the time specified in sub-section (3) of section 200 or the proviso to subsection (3) of section 206C,]

7[(l) to deliver or cause to be delivered the 8[statements] within the time specified in sub-section (1) of section 206A,]

he shall pay, by way of a penalty, a sum 9[of one hundred rupees] for every day during which the failure continues :

Provided that the amount of penalty for failures in relation to 10[a declaration mentioned in section 197A, a certificate as required by section 203 and] returns under sections 206 and 206C 11[and statements under sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C] shall not exceed the amount of tax deductible or collectible, as the case may be.

(3) Any penalty imposable under sub-section (1) or sub-section (2) shall be imposed -

(a) in a case where the contravention, failure or default in respect of which such penalty is imposable occurs in the course of any proceeding before an income-tax authority not lower in rank than a 12[Joint Director] or a 13[Joint Commissioner], by such income-tax authority ;

(b) in a case falling under clause (f) of sub-section (2), by the Chief Commissioner or Commissioner ; and

(c) in any other case, by the 12[Joint Director] or the 13[Joint Commissioner].

(4) No order under this section shall be passed by any income-tax authority referred to in sub-section (3) unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter by such authority.

Explanation : In this section, income-tax authority includes a Director General, Director, 12 [Joint Director] and an 14[Assistant Director or Deputy Director] while exercising the powers vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the matters specified in subsection (1) of section 131.

1. Omitted by the Finance Act, 2002, with effect from 1st June, 2002. Prior to omission, clause (d) stood as under :

(d) fails to comply with the provisions of section 139A,

2. Substituted for a sum which shall not be less than five hundred rupees but which may extend to ten thousand rupees by the Finance Act, 2001, with effect from 1st June, 2001.

3. Substituted by the Finance Act, 2002, with effect from 1st April, 2003. Prior to substitution, clause (e) stood as under :

(e) to furnish the return of income which he is required to furnish under subsection (4A) of section 139 or to furnish it within the time allowed and in the manner required under that subsection ; or

4. Inserted by the Finance Act, 2001, with effect from 1st April, 2002.

5. Inserted by the Taxation Laws (Amendment) Act, 2003, with effect from 8th September, 2003.

6. Inserted by the Finance (No. 2) Act, 2004, with effect 1st April, 2005.

7. Inserted by the Finance Act, 2005, with effect from 1st June 2005.

8. Substituted for "quarterly return" by the Finance (No. 2) Act, 2009, with effect from 1st October, 2009.

9. Substituted for which shall not be less than one hundred rupees, but which may extend to two hundred rupees by the Finance Act, 1999, with effect from 1st June, 1999.

10. Inserted by the Finance (No. 2) Act, 1998, with effect from 1st April, 1999.

11. Inserted by the Finance Act, 2006, with effect from 1st June, 2006.

12. Substituted for Deputy Director by the Finance (No. 2) Act, 1998, with effect from 1st October, 1998.

13. Substituted for Deputy Commissioner by the Finance (No. 2) Act, 1998, with effect from 1st October, 1998.

14. Substituted for Assistant Director by the Finance (No. 2) Act, 1998, with effect from 1st October, 1998.