

Form 13 – Online Application

WESTERN INDIA REGIONAL COUNCIL





SECTION 195/197 PROVISIONS AT A GLANCE

- Section 197(1) [Subject to rules made under sub-section (2A), where, in the case of any income of any person [or sum payable to any person, income-tax is required to be deducted at the time of credit or, as the case may be, at the time of payment at the rates in force under the provisions of sections 192, 193, 194, 194A, 194C, 1940, 194G, 194H, 194-1, 194J, 194K, 194LA and 195, the Assessing Officer is satisfied that the total income of the recipient justifies the deduction of income-tax at any lower rates or no deduction of income-tax, as the case may be, the Assessing Officer shall, on an application made by the assessee in this behalf, give to him such certificate as may be appropriate.
- (2) Where any such certificate is given, the person responsible for paying the income shall, until such certificate is cancelled by the Assessing Officer, deduct income-tax at the rates specified in such certificate or deduct no tax, as the case may be.
- (2A) The Board may, having regard to the convenience of assessees and the interests of revenue, by notification in the Official Gazette, make rules specifying the cases in which, and the circumstances under which, an application may be made for the grant of a certificate under sub-section (1) and the conditions subject to which such certificate may be granted and providing for all other matters connected therewith.

Certificate of no deduction of tax in case of certain entities (Rule 28AB)

- in receipt of income or deemed income derived from property held under trust wholly for charitable or religious purposes and who claims exemption under section 11 or section 12; or
- required to file a return in respect of a scientific research association, news agency, association or institution, fund or trust or university or other educational institution or any hospital or other medical institution or trade union referred to in sub-section (4C) of section 139;
- may make an application to the Assessing Officer for the grant of a certificate under sub-section (1) of section 197 authorizing him to receive incomes without deduction of tax at source.

Presented by CAAvinash Rawani



Conditions to Satisfy

File all the Returns till the date of Application;

Applicant must be registered with ITD and should also hold exemption certificate under Section 11 and 12, if applicable;

Application to be made in accordance with the requirement of the Act with concerned AO;



POINTS TO REMEMBER

- Application to be made by Deductee/Tax Payer;
- Application to be submitted to TDS Assessing Officer where TAN is registered;
- Application can be made any point of time during the Assessment Year;
- Certificate issued has the maximum validity for the Assessment Year/period and needs to be reapplied.
- If Trust is registered under Section 11 or 12 then tax details not required.

Presented by CAAvinash Rawani

Areas of Consideration

- The eligibility of an assessee to claim the benefits of this rule is determined by the Assessing Officer by assessing his/her existing and estimated liability, which is determined by considering the following:
- Tax payable on estimated income of the previous year relevant to the assessment year.
- Tax payable on the assessed or returned income of the preceding three tears.
- Existing liability under the Income-tax Act, 1961 and Wealth-tax Act, 1957.
- Payment of advance tax for the assessment year relevant to the previous year until the date of making the relevant application.
- Tax deducted at source for the assessment year relevant to the previous year until the date of making the relevant application.
- Tax collected at source for the assessment year relevant to the previous year until the date of making the relevant application.

Present Procedure

- Application in Form No. 13;
- Details of the Assessee making the Application;
- Details of Income Tax Returns filed during the last three Assessment Years containing the Returned Income and Taxes paid/payable-Refund's Due;
- Details of the Current Year (Provisional Details)

Presented by CAAvinash Rawani

Present Procedure

- Details of Sales, profits of the last three years along with the taxes deducted;
- Details of existing liablities on the date of application;
- Estimated Total Income for the year for which the certificate is sought;
- Details of Tax liability on the estimated income along with the tax liability discharges;

Present Procedure

- Nature of payments for which the certificate is sought;
- Details of the Deductee in the required format along with the PAN and other details;
- Other documentary evidences in support of the said application;
- Indemnity Bond for liability discharge.

Presented by CAAvinash Rawani

PROCEDURAL ASPECT FOR ONLINE APPLICATION

- Made effective from Financial Year 2018-19 vide Income Tax (Eleventh Ammendment Rules, 2018) dated 26.10.2018;
- Application on TRACES Portal;
- Application to be in Form 13 online for all assessees;
- DSC of the Authorised Person registered on the Traces needs to sign or through a-verification (Net Banking) permitted;
- The mandatory fields and the details required are to be entered to ensure that the application is processed;
- Exempt Income details also needs to be given.



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Presented	bу	CAAvinash	Rawani

proceed further



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Form-13 application can be submit through TRACES from F.Y 2018-19 onwards		
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Selects here to proceed further		
Note: Application of Form-13 without TAN in	n case of Annexure-II will be	
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STEP-7	Presented by CAAvinash Rawani ne dsse;on = ni 1 me	
STEP-7	Presented by CAAvinash Rawani	;=-
STEP-7 	Presented by CAAvinash Rawani	

Selection of Annexure- Separate for Lower Deduction & Non deduction	
STEP-8	
Step 8: Select the type of annexure from dropdown and click on 'Proceed' button.	
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ANNEXURE-1 & ANNEXURE-3ARE REQUIRED TO BE FILLED BY ASSESSEES NOT COVERED UNDER RULE 28AB Presented by CAAvinash Rawani	
STEP-8 Compilation of Section wise Details in Single Annexure PART-1	
Step 8 (Contd.): Provide rate in requested rate table before proceeding to Annexure-! No/Lower Deduction.	
Click on "Save & Proceed" Button to proceed the Form deta Click on Submit Button to submit the Form details. IIIIIIII to enter the amount in amount column is 16 digit (e.g., 99999999999999999999999999999999999	
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Go to Basic Details Edit Save Add Row Remove Row Save& Proe	
Note: User need to mention Requested Rate in requested rate table and rate must be less than Section Rate	
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Step 8 (Contd.) : Click on 'Add Row' button to add transaction details in Annexure-! (No/Lower Deduction).

Maximum length to enter the amount in amount column is 18 digit (e.g., 99999999999999999999)

Please provide the rate in requested rate table before proceeding to Anne

Either requested rate table or annexure table will be editable at a time

Annexv,....I(No/Lower Deduction)

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After filling up the ! basic details Annexure- !

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Request No. 17905

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Click on 'Add Row' to add more rows and click on 'Remove Row' to Remove Rows

Click on Edit to update the details and click on 'Save' to Save the updates

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Uploadi	ng Documents page
Password protected file cannot be uploaded at TRACES. Kindly upload password free file It is enable when section 11 or 12 declaration given on basic delais & will be mandatory to upload Upload Enter text as in above image " Upload & Fill Estimated Income Computation for which F.V certificate is sought" Upload & Fill Estimated Income Computation for which F.V certificate is sought" Upload a Fill Estimated Income Computation for which F.V certificate is sought Upload a Fill Estimated Income Computation for which F.V certificate is sought Upload a Fill Estimated Income Computation for which F.V certificate is sought Upload a Fill Estimated Income Computation for which F.V certificate is sought Upload registration/exemption Certificate in case of certain entities covered under section 110 or 12 Upload registration/exemption Certificate in case of certain entities covered under section 139(4C) Upload return of income for any of the four previous year form Upload Details of income claimed to be exempt and not included in the total income* Upload Details of income claimed to be exempt and not included in the total income* Upload the document Upload Upload	Click here to vie uploaded files. Browse Files Uploaded Tere Browse Files U
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OTHER REQUIREMENTS

- Computation of Estimated Total Income to be given Head wise;
- Option for submission of clarification in respect of increase/decrease in income in comparision to previous year given



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STEP-9

• Step 9:

 User need to upload and fill the Estimated Income Computation for which Financial Year certificate is sought.

Click on ,Browse" to select a file and then click on ,Upload" to upload the document in tiff, .pdf, .zip,. JPEG formats only. Note: Size of file should not be larger than 5MB. Kindly upload password free file.

Click on Template" button to fill Computation of Estimated Income of Financial Year for which certificate is sought then submit. Details saved successfully message will appear on screen. It is mandatory to FILL

Step 9 (Contd.) : After clicking on on 'Template' button a pop up will displayed to fill Computation of Estimated Income of Financial Year for which certificate is sou ht.



DOCUMENTS TO BE UPLOADED



- Estimated Income Computation for which F.Y certificate is sought.
- Computation of estimated total income any of the four previous year preceding to the previous year for which return of income has not been filed.
- Upload registration /exemption Certificate in case of certain entities covered under section 11 or 12 or section 139(4C).
- Assessment Orders if assessed, for the last four assessment years.
- Return of income for any of the four previous year has been filed in paper form.
- Details of income claimed to be exempt and not included in the total income: If amount is provided in column of basic details then this will be enabled & mandatory.
- Upload any other document.

Upload Button enables only when users browse all the files successfully. After that user need to click on 'Upload' button to upload all the browse files ,once all the files have been uploaded, Success Message will be displayed "Files uploaded successfully "and "Upload" button will be disabled again.

If user wants to change/remove attachment/a then user need to click on 'Files Uploaded' button then select the required file and click on 'Remove upload'. User can browse new files again. Upload the document In tiff, .pdf, .zip,. JPEG formats only. Size of file should not be larger than 5MB.Kindly upload password free file.

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OPTIONS AVAILABLE

- Options of Preview Available, before submitting the same;
- Option of Removal of Documents before uploading Available;
- Once submitted cannot be modified, Option of Withdrawal Available to the Tax Payer;
- E-verification mode Digital Signature or Internet Banking;
- SMS confirmation will be sent to the Registered Mobile Number;
- Status of Application can be tracked online through the generated Request Number;
- If Deductees are more than 50, then only Annexure to be attached in the format given.



6. Procedure of 'Request for Form13-Resident' (Not covered under Rule 28AB of Income Tax Rules, 1962) with E-verified (Internet Banking).

- E-Verified Service link is available at banks website:
- User has to log in to Bank Website and select option "Click of view26AS".
- It gets navigated to a new page which shows link "E-Verified services on TRACES".
- Click on "E-Verified services on TRACES", user gets navigated to the TRACES website with the pre populated User name and PAN of Taxpayer.
- This facility helps taxpayers to get Verified through Internet Banking.
- This can be used for "Submitting Request for Form-13" request without Digital Signature.
- This Option is not available for NRI Website www.nriservices.tdscpc.gov.in.



6. Pictorial guide of 'Request For Form13-Resident' {Not covered under Rule 28AB of Income Tax Rules, 1962) with E-Verified" {Internet Banking).

Step 3 (Contd.) :Go to "Track Request Form-13" option under "Statements/Forms" tab and initiate the request. Click on "In ______ status to continue.



Status	Description
In Progress	Request Form-13 is in progress, user need to click on status 'In Progress' to start work.
Submitted to ITD	Status will be "Submitted to ITO" after final submission of Form-13.
Pending with AO	Status will be "Pending with AO" for approval.
Clarification Required by AO	Status will be Clarification Required by AO, if AO wants some clarification from the user .
Approved	Status will be Approved if AO has approved the request of Form-13 and 197 certificate will be available to download.
Approved with Partial Rejection	Status will be Approved with partial rejection, if request is partially rejected for some TANs. Approved 197 certificate will be available to download.
Cancelled	Status will be cancelled if request is cancelled by the user before Approval.
Rejected	Status will be Rejected if request is rejected by AO or TDS CPC.
	Presented by CAAvinash Rawani

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Click here to Cancel the request Note: User can check submitted request status under "Track Request Form-13" option under "Statement/Forms". If user do not want to give clarification or if clarification is not available with the user he can cancel this request at "Clarification required by AO" status.
After click on "Clarification required by AO", user can give clarification with supported documents HyHome VieW/ VieW/
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Advantages

- A further Step towards Digitisation;
- 24 X 7 Application facility;
- Based on PAN records available with ITD, the chances of Incorrect details in the certificates nullified;
- All the mandatory records to be uploaded at a time. Submissions time gap reduced;
- Delay in time for issuing certificate to be reduced;
- Online verification of the limit and validity can be verified;

Presented by CAAvinash Rawani

• Easy Linkage of Information with TDS Returns.



TDS Returns Filing- Line of Action Verify whether the threshold Ensure the Verify the specification Validate the limit for the PAN of the certificate's certificate of the deductee validity with has been Certificate who the relevant exceeded in number in submits the financial previous the certificate. year. quarters. statement. Ensure the Verify Raise the validity of whether the Flag "A" in certificate threshold the with PAN. limit of the statement certificate for a certificate has not u/s 197 and been Flag "B" for exceeded in previous certificate u/s 197A. quarters. Presented by CAAvinash Rawani



- CBDT Order under Section 119(1) dated 24.12.2018 reads as under:
 - To remove genuine hardship faced by certain applicants in online application filing in Form 13
 - Allows NRI's who are not able to register themselves on TRACES to file manual application in Form No. 13 with TDS Officer or in ASK Centres till 31.03.2019;
 - Allows Resident Applicants to file manual application with TDS Officer or in ASK Centres till 31.12.2018.

Presented by CAAvinash Rawani

REFERENCES

- Time Line for issue of certificate is 30 days (Citizen's Charter-2014);
- Justifiable reasons for delay to be given;
- AO to either issue or reject the application;
- Assessee must be given the opportunity of being heard before rejecting application;
- Right of Appeal exists.

