

Filing of Return of Income

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Sunday, July 24, 2005**

AN ASSESSMENT made on the basis of a return furnished in a form other than the prescribed one would be void-ab-initio. Such assessment cannot be sustained. Even if any penalty is imposed on the basis of such return for concealment, it will be illegal. Thus filing of return in proper form is one of the fundamental of section 139(1) which should not be contravened under any circumstances.

The due dates for filing the Return of Income for the assessment year 2005-06 and the Form in which the Returns are to be filed are as under:

Class of Persons	Due Date	Form No.
1. Individuals (Salary or Business Income), HUF's / Firms's other than specified below.	31st July	2D
2. Companies	31st October	1
3. Persons whose accounts are required to be audited or a working partner of a firm whose accounts are required to be audited	31st October	2D
4. Individuals HUFs covered by the 1/6 criteria	31st October	2C

Notes

1. Individuals having Salary Income and no business income can use Form No.3 also.
2. Individuals having Business Income can use Form No.2 also.
3. Individuals and HUF's not having business income or capital gains or agricultural income can use Form 2E also.
4. Salaried persons resident in India & having salary income not exceeding Rs. 1,50,000/- before allowing deduction u/s 16 of IT Act, not having income under the head business, capital gain or agricultural & not in receipt of any income on which TDS has been deducted by any person other than the employer have the option of filing returns under Form No. 16AA.

Income Limit For Filing Of Returns

Individuals and HUF's having Total Income exceeding Rs.50,000/-- are liable to file Return of Income

One By Six Criteria For Filing Of Return Of Income

The persons fulfilling anyone of the following conditions are also required to file Return of Income even if their income is below the taxable limit of Rs. 50,000/-

1. In occupation of an immovable property, by way of ownership, tenancy or otherwise exceeding a floor area specified by the CBDT.

2. Owner of a motor vehicle other than a two wheeler.
 3. Subscriber to a cellular telephone.
 4. Incurred expenditure for himself or any other person on travel to any foreign country.
 5. Holder of a credit card.
 6. Member of a club where the entrance fee charged is Rs. 25,000/- or more.
- Non residents have been exempted from filing return under one by six scheme.
 - Senior citizens not engaged in any business or profession are exempted from filing return under this scheme if they qualify only under the condition of occupying immovable property given under clause (1) or being subscribe to a telephone given under clause (3) above. However, if they satisfy any one of the other four economic indicators they will be required to file the return under this proviso.

Consequences of not filing the return of income within the due date or for not furnishing the return of income :

- 1) Simple interest @1% p.m or part of month will be payable for the period commencing on the date immediately following the due date and would end on (a) date of furnishing the return of income in case of late filing of return (b) date of completion of assessment under section 144(best judgement assessment) in case of not filing of return of income
- 2) Penalty of Rs. 5000/- under section 271-F is leviable on failure of furnishing return before the end of the relevant assessment year.
- 3) Wilful failure to furnish return of income may also attract prosecution u/s 276CC.