



All India Federation of Tax Practitioners

(An Association of Advocates, Chartered Accountants & Tax Practitioners of India)

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ISSUES IN VERIFICATION OF ITR-V TIME LIMIT REDUCED FROM 120 DAYS TO 30 DAYS

**The Hon'ble Sitharaman ji,
Union Minister of Finance,
Government of India,
North Block, New Delhi.**

**Sub: Issues in New time Limit for Verification of ITR-V
vide CBDT (Notification No. 5/2022 dated
29.07.2022 w.e.f. 01/08/2022)**

Respected Madam,

All India Federation of Tax Practitioners is one of the largest professional bodies of tax practitioners, Advocates and Chartered Accountants, both of Direct and Indirect Taxes. It has been functioning for the last about 46 years and founded by Renowned Jurist Sri Nani Palkhiwala and Hon'ble Justice J C Shah Judge, Supreme Court of India. The aims of the Federation are to promote interest, awareness, and carrier opportunities in the field of taxations amongst Indian Citizen. Presently AIFTP has above 11000 members from all part of the country and about 130 Tax Bar Association located in 27 out of 29 state of our country.

All India Federation of Tax Practitioners, apex body of tax professionals takes the opportunity to present some relevant issues for the above captioned subject for your kind consideration.



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The Central Board of Direct Taxes (CBDT) has reduced the time limit for verification of income tax return (ITR) to 30 days from 120 days earlier. **The reduced time limit of 30 days applies to ITRs filed on and after August 1, 2022.** The CBDT announced this via a notification issued on July 29, 2022. This notification will come into effect from August 1, 2022. For ITRs filed up till and including July 31, 2022 the earlier time limit of 120 days from date of filing of ITR continues, as per the CBDT notification.

According to the latest notification from the income tax department, " It has been decided that in respect of any electronic transmission of return data on or after the date this Notification comes into effect, the time-limit for e-verification or submission of ITR-V shall now be 30 days from the date of transmitting/uploading the data of return of income electronically."

"The date of transmitting the data electronically will be the date of furnishing the return if the form ITR-V is submitted within 30 days after the date of transmitting the data electronically. In case, form ITR-V is submitted after the above-mentioned period, it will be deemed that the return in respect of which the form ITR-V has been filled was never submitted and it shall be incumbent on the assessee to electronically retransmit the data and follow it up by submitting the new form ITR-V within 30 days.



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As per the notification, it has further clarified the below points:

- Where ITR data is electronically transmitted and e-verified/ ITR-V submitted within 30 days of transmission of data - in such cases the date of transmitting the data electronically shall be considered as the date of furnishing the return of income.
- It is clarified that where the return data is electronically transmitted before the date on which this Notification comes into effect, the earlier time limit of 120 days continue to apply in respect of such returns.
- Where ITR data is electronically transmitted but e-verified or ITR-V (i) submitted beyond the time-limit of 30 days of transmission of data - in such cases the date of e-verification/ITR-V submission shall be treated as the date of furnishing the return of income and all consequences of late filing of return under the Act shall follow.
- Duly verified ITR-V in the prescribed format and in the prescribed manner should be sent by speed post only to Centralised Processing Centre, Income Tax Department, Bengaluru - 560500, Karnataka.
- The date of dispatch of Speed Post of duly verified ITR-V shall be considered for the purpose of determination of the 30 days period, from the date of transmitting the data of Income-tax return electronically.



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What happens if ITR-V is submitted after 30 days?

If form ITR-V is submitted after the mentioned period, it will be assumed that the return for which the form ITR-V was filled was never submitted (the tax department will not take it up for processing), and the assessee will be required to electronically retransmit the data and follow up by submitting the new form ITR-V within 30 days.

CHALLENGES/ ISSUES

It is worthwhile to mention that delay in e-verification is not intentional but it is due to technical reasons and due to the reasons beyond control stated as follows:-

A) If Mobile number is changed by assesses and it is not updated in Aadhar then OTP for electronic verification may not be possible, then only way left is to submit it in physical Form to CPC.

B) But physical submission is also many a times not possible to be submitted in such a short time span of 30 days because the person may be sick, hospitalized, may be out of station, engaged in rituals etc. and his signature is difficult to be obtained in such short period by professionals.



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C) Other modes of verification viz Digital signature Certificate which is many times not affordable by small income group assesees, Another is through banking modes like Bank Account EVC / Demat Account EVC, Net Banking etc is even out of reach to these group of assesses lacking Digital Banking awareness.

D) It is observed that portal is treating such delayed case of verification as invalid return. Here assesees is left with NON option of filling revised return, belated return now and assesses having refund have no option of filling UPDATED returns also. So this will be a genuine and serious hardship on such assesses facing the consequences of penalties of non or delayed filling of returns.

E) Also time span of 30 days is not practical for professionals too as after July Tax audits and Statutory Audit assignments start heavily and other submissions for NGO, Trust, GST, TDS, MCA compliances/obligations which continues upto November month every year.

F) CPC need to take into its records ITR V sent by taxpayers, the reason is we find that many taxpayers have sent ITR V with their signature and also submitted on portal but the verification has not been recorded at the end of CPC. The CBDT should instruct CPC to carry out such action of recording the verifications. For the lapses on part of CPC the taxpayers should not be made to suffer.



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In view of the above facts, it is earnestly submitted that the time limit of e-verification be either enhanced as prevailed earlier of 120 days or allow to make such returns of late e-verification to be valid return with some condonation request, also physical sending of ITR-V to Bengaluru may be done away and this process be replaced with uploading or emailing to CPC duly signed ITR-V.

Respectfully submitted for kind consideration.

Yours faithfully

For All India Federation of Tax Practitioners

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Chairperson Direct
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CA Rajesh Mehta
Secretary General

Place: Varanasi

Date: 10.05.2023