



Income Tax Gazetted Officers Association

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Date: 10.03.2022.

To
**The Honourable Finance Minister,
Government of India,
New Delhi.**

Respected Madam,

**Sub: Request for extension of the Time Barring Date for certain proceedings
exercising the power vested in the GOI- matter reg.**

We would like to beseech your kind attention towards the present crisis confronted by the officers/officials of Income Tax Department, especially those posted in the offices under Faceless Assessment Scheme, Central charges and Jurisdictional Assessment charges, who are reeling under the grinding workload of pending cases. As things stand at present a significant number of proceedings, allocated to them are apprehended to be barred by limitation on 31.03.2022 for the reasons cited below:

A. Faceless Assessment Scheme (FAS): Assessing officers posted in FAS are saddled with large number of assessment (regular as well as reopened) cases which are to be completed by 31.03.2022. Majority of these cases were allocated to them only between the middle of October (regular cases) and November, 2021 (reopened cases) allowing effectively only 4½ to 5½ months to complete them, as against one year mandated by the Income Tax Act. Surprisingly many more cases have continuously been pushed to them thereafter, even till the first week of March, 2022. However, the pathetic performance of Income Tax Business Application (ITBA), 'the system' in common parlance, which is the key to performance in the faceless environment, has severely crippled our officers.

Besides, the gruesome burden of forced browsing of 3 to 4 different digital platforms apart from ITBA for data mining, frequent technical, non-availability / late introduction of functionalities in ITBA or Insight (with even less than 22 calendar days left, income computation functionality are yet to be fully functional), huge shortage of manpower at field level (with no promotion in last 4 years in the grade of ITO to ACIT and stay in various regions against promotion to the grade of ITO), impractical and frequent changes in SOPs have caused unnecessary delay and confusion. These impediments are seriously preventing our officers from discharging their normal duties to their maximum potential. As a result, the officers could complete a minuscule proportion of the time barring cases till date and it is humanly impossible for them to complete all time barring scrutiny and penalty cases by 31.03.2022.

Central Charges: Due to shortcomings of the ITBA and digital portals, manpower shortage, unmanageable workload, etc. (as discussed above), the officers posted in Central charges are already under tremendous work pressure. The recent extension of return filing date has further added to their woes as the assessing officer will **effectively get only 15 days to complete the assessment** if the assessee file their return of income for AYs 2021-22 on 15.03.2022 (the extended due date of return filing), in a case where search was conducted during FY 2020-21. This effectively means completing an assessment following the laid down process of law within 15 days is by all means impossible.

Jurisdictional Assessment charges: New provision for reopening of assessment requires 4 stages of approval from Principal Commissioners of Income Tax and in many cases approval is required from the Principal Chief Commissioners of Income Tax. Further, causing enquiries, issue of show-cause notice and rebuttal of the objections of the assessee, are pre-requisites to reopening of assessment. Hundreds of cases (even thousands in some charges) have been pushed to the Jurisdictional Assessing Officers (JAOs) only in the month of March, 2022. All these cases need to be reopened by 31.03.2022 after following the cumbersome formalities. It may also be noted, that in addition to reopening these old cases they have to pass good number of assessment and penalty orders by the same date. In view of the prevailing circumstances reopening even a fraction of deserving cases, which getting barred on 31.03.2022 now appears to be an impossible task.

The first two waves of Covid 19 pandemic have taken a huge toll in all spheres, including the immense human cost. The pandemic has pushed back of the time barring dates of earlier years, thus cutting down the actual time for completion of time barring matters of the current year to less than half. Nonetheless, our officers are trying their level best to complete all time barring proceedings within time. But the third wave of Covid-19 has driven the final nail by eating up a substantial portion of our remaining time.

Madam, you will appreciate that the present predicament, as enumerated above, is beyond the control of any employee of Income Tax Department and only an immediate intervention from your end can avert the imminent legal crisis. The situation prevailing today, when we have just started recovering from effects of the third wave of Covid-19 pandemic, are identical to the conditions laid down in the statement of objects and reasons of the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020(or TOLA, 2020 in brief).

Therefore, it is requested that the present situation in the perspective of time barring matters may kindly be reviewed and a notification, in exercise of the power vested in the Government of India, may kindly be issued to extend the limitation date (of the assessment and penalty cases as well as of the case of issuing notice for reopening getting barred on 31.03.2022) to 30.09.2022.

We would be delighted to have an appointment with your honour to explain the issues at your convenience.

Thanking You,

Yours Sincerely,



(Bhaskar Bhattacharya)
Secretary General

Copy for information to:

- 1) The Hon'ble Minister of State in charge of Finance, GOI**
- 2) The Revenue Secretary, GOI**
- 3) The Chairman, CBDT**