

FAQs on Filing forms under Vivad Se Vishwas Scheme

Q1: As per the form, the Assessee is required to mention reference number of appeal filed by it. When the matter is pending with CIT(A), Appeal No. may not be available with Assessee, as notice might not have been issued. Whether acknowledgement number of e-appeal can be mentioned?

Reply : The label of “Appeal Reference Number” may be treated as “Appeal Reference Number / Acknowledgment Number” in all schedules and in Part B “Reference Number” as “Reference Number / Acknowledgment Number”

Q2: When Hon’ble ITAT has decided the appeal before 31st January, 2020 and time limit for filing appeal has not yet expired and as per form when due date of filing of appeal is mentioned, Assessee cannot proceed to file details regarding disputed tax. Only when appeal number is mentioned, then only Assessee can fill up necessary schedule.

Reply: Department has enabled the schedules in above case on 26th March, 2020. Updated online Form is available on e-Filing portal.

Q3: As per Question-Answer No. 7 of FAQ, if appellate authority has set aside an order, (except where assessment is cancelled with a direction that assessment is to be framed de novo), to the file of AO for giving proper opportunity, Assessee would be eligible to avail of Vivad Se Vishwas. However, in the prescribed form, no tab or schedule for such cases are available.

Reply: Declarant can fill the required details in Part B itself mentioning that the appeal is pending with CIT(A), as explained in FAQ No 7 issued by CBDT vide Circular 7/2020 dt 4th March 2020

Q4: As per the Scheme once the declaration made by Assessee is accepted by designated authority and Form 3 is issued, the declarant shall pay the amount determined within 15 days of receipt of certificate and intimate the details of such payment to the designated authority. As per the Scheme Assessee has an option for making payment on or after 1st April, 2020 but before the last date after making additional payment as prescribed. Suppose, form No. 3 is issued by designated authority on or before 31st March, 2020, Assessee can pay taxes along with additional amount before the last date even if 15 days have lapsed or the form will be void.

Reply: As per the scheme, the declarant has to pay tax and intimate the same within 15 days of issue of Form 3.

Q5: How the TDS deductors will file in case they don't have PAN?? Kindly clarify as they can't login into e-filing website and they don't have facility on cpc-tds. Kindly guide.

Reply: Deductors have to login using TAN. They can do so in a similar manner when they filed appeal in TDS cases or how they file TDS statements on e-filing portal -they use their TAN as user ID. Taxpayers using their PAN based login cannot file TDS related Form 1. **The respective deductors have to login using TAN as user ID in the e-Filing portal.**

Q6: What has to be entered in the Part E(iv)- Refund?

Reply: In the Form 1, what is visualized in Part E is the reporting of claim of tax payment under Minor head 400 (incl Adjustment RO) after the assessment order is passed. Therefore, there is no requirement of TDS or prepaid taxes - advance tax or SAT. Since any RO adjusted against demand has a corresponding challan, same has to be reflected under tax payment as Regular Assessment Tax (Minor head 400).

The E(iv) is for cases where the refund claimed by taxpayer was reduced in assessment (not refund adjusted against arrears - the label is incorrect and will be changed). This is because the PART F visualizes the actual tax payment or Refund as case may be against the disputed tax amount payable under the scheme (this is post assessment)

Example - Refund adjusted will figure in tax payment itself as a challan. This is for refund reduction- when taxpayer claimed 100 Rs but ITD raised additional demand of 80 Rs, so refund will be reduced to 20 Rs. To enable taxpayer to show this in E(iv) as Rs 80, the refund row has been put.

Q7. Whether it is possible to make payment of taxes under the VsV scheme before filing of Form 1.

Answer: Yes, such payments can be reflected in Form 1 itself in Part E.

Q8. Whether challan for making payment of taxes under VsV scheme is the same as 400 (or any other existing codes) challan? Or any other new specific challan code is being introduced for the same If yes, when is new challan code likely to be introduced.

Answer: Yes, Challan under VsV scheme will be usual Regular Assessment Tax challan – Corporation Tax or Income Tax (as the case may be)- with minor head 400. Please take care to ensure that PAN and AY are correctly mentioned. NO NEW CHALLAN has been released for DTVS