

# Amendment in TDS & TCS Rules and TDS/TCS Return Forms: CBDT Notified (Notification Number 71/2021 dated 8th June 2021.)

As per the notification the deductor at the time of preparing statements of tax deducted shall furnish particulars of amount paid or credited on which tax was not deducted or deducted at lower rate in view of the notification issued under sub-section (5) of section 194A or in view of exemption provided under clause (x) of sub-section (3) of section 194A.

The deductor at the time of preparing statements of tax deducted shall furnish particulars of amount paid or credited on which tax was not deducted in view of clause (d) of the second proviso to section 194 or in view of the notification issued under clause (e) of the second proviso to section 194.

The notification mandates the deductor at the time of preparing statements of tax deducted to furnish particular amounts paid or credited on which tax was not deducted in view of proviso to subsection (1A) or in view of sub-section (2) of section 196D.

Lastly, the deductor at the time of preparing statements of tax deducted to furnish particulars of amount paid or credited on which tax was not deducted in view of sub-section (5) of section 194Q with effect from 1st day of July, 2021.

Amendment has been made in Rule 31A of Income Tax Rules, 1962, wherein the scope of details to be provided has become wide where the amount has been paid or credited but TDS has not been deducted due to certain exemptions.

Amendment has been made in Form 26A which is a form for furnishing accountant certificate under the First proviso to sub-section (1) of section 201 of the Income Tax Act, 1961.

Form 26Q i.e. TDS Return Statement for Non-Salaried persons has been amended so as to incorporate transactions related to Section 194Q, 206AA, 206AB.

Form 26EQ i.e. TCS Return Statement has been amended so as to incorporate transactions related to Section 206CCA.

**MINISTRY OF FINANCE**  
**(Department of Revenue)**  
**(CENTRAL BOARD OF DIRECT TAXES)**

**NOTIFICATION**

New Delhi, the 8th June, 2021

**(INCOME-TAX)**

**G.S.R. 395(E).**— In exercise of the powers conferred by sections 194,194A,194Q, 196D, 206AB and 206CC read with section 295 of the Income-tax Act, 1961, (43 of 1961) the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. Short title and commencement. — (1) These rules may be called the Income-tax (17th Amendment) Rules, 2021.

(2) Save as otherwise provided in these rules, they shall come into force from the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), in rule 31A, in sub-rule (4) —

(a) for clause '(x)' the following clause shall be substituted namely: -

'(x) furnish particulars of amount paid or credited on which tax was not deducted or deducted at lower rate in view of the notification issued under sub-section (5) of section 194A or in view of exemption provided under clause (x) of sub-section (3) of section 194A.';

(b) after clause (xiii), the following clauses shall be inserted namely: -

“(xiv) furnish particulars of amount paid or credited on which tax was not deducted in view of clause (d) of the second proviso to section 194 or in view of the notification issued under clause (e) of the second proviso to section 194;

(xv) furnish particular of amount paid or credited on which tax was not deducted in view of proviso to sub-section (1A) or in view of sub-section (2) of section 196D.;

(xvi) furnish particulars of amount paid or credited on which tax was not deducted in view of sub-section (5) of section 194Q with effect from 1st day of July,2021.”.

3. In the principal rules, in Appendix II, in form 26A, in Annexure A, in clause (ii), the words “, who is a resident,” shall be omitted.

4. In the principal rules, in Appendix II, in form 26Q —

(a) for the brackets, words, figures and letters “[See sections 192A, 193, 194, 194A, 194B, 194BB, 194C, 194D, 194DA, 194EE, 194F, 194G, 194H, 194-I, 194J, 194K, 194LA, 194LBA, 194LBB, 194LBC, 194N, 194-O, 197A and rule 31A]” the following brackets, words, figures and letters, shall be substituted namely: -

“[See sections 192A, 193, 194, 194A, 194B, 194BB, 194C, 194D, 194DA, 194EE, 194F, 194G, 194H, 194-I, 194J, 194K, 194LA, 194LBA, 194LBB, 194LBC, 194N, 194-O, 194Q, 197A, 206AA, 206AB and rule 31A]”;

(b) for the “Annexure”, the following “Annexure” shall be substituted, namely: -

## “ANNEXURE: DEDUCTEE/PAYEE WISE BREAK UP OF TDS

(Please use separate Annexure for each line-item in Table at Sl. No. 4 of main Form 26Q)

Details of amount paid/credited during the quarter ended... (dd/mm/yyyy) and of tax deducted at source

BSR Code of branch/Receipt Number of Form No. 24G	
Date on which challan deposited/Transfer voucher date (dd/mm/yyyy)	
Challan Serial Number / DDO Serial No. of Form No. 24G	
Amount as per Challan	
Total tax to be allocated among deductees/payees as in the vertical total of Col. 421	
Total interest to be allocated among the deductees/payees mentioned below	

Name of the Deductor/Payer	
TAN	

Sl. No.	Deductee /payee reference number provided by the deductor/payer, if available	Deductee/payee code (01-Comp any 02-Other than company)	PAN of the deductee / payee	Name of the deductee / payee	Section code (See Note 16)	Date of payment or credit (dd/mm/yyyy)	Amount paid or credited	Amount of cash withdrawal in excess of Rs. 1 crore as referred to in section 194N (in cases not covered by the first proviso to section 194N)	Amount of cash withdrawal which is in excess of Rs. 20lakh but does not exceed Rs 1 crore for cases covered by sub-clause (a) of clause (ii) of first proviso to section 194N	Amount of cash withdrawal in excess of Rs. 1 crore for cases covered by sub-clause (b) of clause (ii) of first proviso to section 194N	Total tax deducted	Total tax deposited	Date of deduction (dd/mm/yyyy)	Rate at which deducted	Reason for non-deduction / lower deduction/ Higher Deduction/ Threshold/ Transporter etc. (See notes 1 to 15)	Number of the certificate under section 197 issued by the Assessing Officer for non-deduction/ lower deduction
[412]	[413]	[414]	[415]	[416]	[417]	[418]	[419]	[419A]	[419B]	[419C]	[420]	[421]	[422]	[423]	[424]	[425]
1																
2																
3																
Total																

## Verification

I, ....., hereby certify that all the particulars furnished above are correct and complete.

Place: .....

.....

Signature of the person responsible for deducting tax at source

Date: .....

.....

Name and designation of the person responsible for deducting tax at source

**Notes:**

1. Write "A" if "lower deduction" or "no deduction" is on account of a certificate under section 197.
2. Write "B" if no deduction is on account of declaration under section 197A other than the cases mentioned in sub-section (1F) of section 197A.
3. Write "C" if deduction is on higher rate under section 206AA on account of non-furnishing of PAN.
4. Write "D" if no deduction or lower deduction is on account of payment made to a person or class of person on account of notification issued under sub-section (5) of section 194A.
5. Write "E" if no deduction is on account of payment being made to a person referred to in Board Circular No. 3 of 2002 dated 28<sup>th</sup> June 2002 or Board Circular No. 11 of 2002 dated 22<sup>nd</sup> November 2002 or Board Circular No. 18/2017 dated 29<sup>th</sup> May 2017
6. Write "Y" if no deduction is on account of payment below threshold limit specified in the Income-tax Act, 1961.
7. Write "T" if no deduction is on account of deductee/payee being transporter. PAN of deductee/payee is mandatory [section 194C(6)].
8. Write "Z" if no deduction or lower deduction is on account of payment being notified under section 197A(1F).
9. Write "M" if no deduction or lower deduction is on account of notification issued under second proviso to section 194N.
10. Write "N" if no deduction or lower deduction is on account of payment made to a person referred to in the third proviso to section 194N or on account of notification issued under fourth proviso to section 194N.
11. Write "O" if no deduction is as per the provisions of sub-section (2A) of section 194LBA.
12. Write "P" if no deduction is on account of payment of dividend made to a business trust referred to in clause (d) of second proviso to section 194 or in view of any notification issued under clause (e) of the second proviso to section 194.
13. Write "Q" if no deduction in view of payment made to an entity referred to in clause (x) of sub-section (3) of section 194A.
14. Write "S" if no deduction is in view of the provisions of sub-section (5) of section 194Q.\*
15. Write "U" if the deduction is on higher rate in view of section 206AB for non-filing of return of income\*.
16. List of section codes is as under:

Section	Nature of Payment	Section Code
192A	Payment of accumulated balance due to an employee	192A
193	Interest on securities	193

194	<i>dividend</i>	194
194A	<i>Interest other than interest on securities</i>	94A
194B	<i>Winnings from lotteries and crossword puzzles</i>	94B
194BB	<i>Winnings from horse race</i>	4BB
194C	<i>Payment of contractors and sub-contractors</i>	94C
194D	<i>Insurance Commission</i>	94D
194DA	<i>Payment in respect of life insurance policy</i>	4DA
194EE	<i>Payments in respect of deposits under National Savings Schemes</i>	4EE
194F	<i>Payments on account of repurchase of Units by Mutual Funds or UTIs</i>	94F
194G	<i>Commission, prize etc., on sale of lottery tickets</i>	94G
194H	<i>Commission or Brokerage</i>	94H
194-I(a)	<i>Rent</i>	4-IA
194-I (b)	<i>Rent</i>	4-IB
194J(a)	<i>Fees for Technical Services (not being professional service), royalty for sale, distribution or exhibition of cinematographic films and call center(@2%)</i>	94J-A
194J(b)	<i>Fee for professional service or royalty etc (@10%)</i>	94J-B
194K	<i>Income in respect of units</i>	94K
194LA	<i>Payment of Compensation on acquisition of certain immovable property</i>	4LA
194LBA(a)	<i>Certain income in the form of interest from units of a business trust to a resident unit holder</i>	4BA1
194LBA(b)	<i>Certain income in the form of dividend from units of a business trust to a resident unit holder</i>	4BA2
194LB	<i>Income in respect of units of investment fund</i>	LBB
194LBC	<i>Income in respect of investment in securitization trust</i>	LBC
194N	<i>Payment of certain amounts in cash</i>	94N
194N First Proviso	<i>Payment of certain amounts in cash to non-filers</i>	94N-F

194-O	Payment of certain sums by e-commerce operator to e-commerce participant	94O
194Q*	Payment of certain sums for purchase of goods	94Q”

\* Note:- In relation to section 194Q and section 206AB, the changes shall come into effect from 1<sup>st</sup> July, 2021.

5. In the principal rules, in Appendix II, in form 27EQ,-

(a) for the brackets, words, figures and letters “[See section 206C and rule 31AA]”, the following brackets, words, figures and letters, shall be substituted namely:-  
“[See section 206C, 206CC, 206CCA and rule 31AA]”;

(b) for the “Annexure”, the following “Annexure” shall be substituted, namely:-

“ANNEXURE -: PARTY WISE BREAK UP OF TCS

(Please use separate Annexure for each-line item in Table at Sl. No. 04 of main Form 27EQ) Details of amount received/debited during the quarter ended.....(dd/mm/yyyy) and of tax collected at source

BSR Code of branch/Receipt Number of Form No. 24G																			
Date on which challan deposited/Transfer voucher date (dd/mm/yyyy)																			
Challan Serial Number/DDO Serial No. of Form No. 24G																			
Amount as per Challan																			
Total TCS to be allocated among deductees as in the vertical total of Col. 677		Name of the Collector																	
Total interest to be allocated among the parties mentioned below		TAN																	
Sl. No.	Party reference number provided by the collector, if available	Party code (01-Company Other than company)	PAN of the party	Name of party	Total value of the transaction	Amount received/debited (dd/mm/yyyy)	Date on which amount received/debited (dd/mm/yyyy)	Collection Code (See Note 10)	Tax	Surcharge	Educational cess	Total tax collected [673+674+675]	Total tax deposited	Date of collection (dd/mm/yyyy)	Rate at which collected	Reason for non-collection/ or collection at higher	Number of the certificate u/s 206C issued by the Assessing Officer for lower	Whether the payment by collectee is liable to TDS as per clause (a) of the fifth proviso to sub-section (1G) or second	If, answer to [681A] is yes, then

	able															rate (See Note 1 to 9)	collec- tion of tax	proviso to sub-section (1H) and whether TDS has been deducted from such payment (if either "F" or "G" is selected in 680)	Challan number	Date of pay- ment of TDS to Central Govern- ment
[664]	[665]	[666]	[667]	[668]	[669]	[670]	[671]	[672]	[673]	[674]	[675]	[676]	[677]	[678]	[679]	[680]	[681]	[681A]	[681B]	[681C]
1																				
2																				
3																				
Total																				

**Verification**

I, \_\_\_\_\_, hereby certify that all the particulars furnished above are correct and complete.

Place: \_\_\_\_\_ Signature of the person responsible for collecting tax at source \_\_\_\_\_

Date: \_\_\_\_\_ Name and designation of the person responsible for collecting tax at source \_\_\_\_\_

**Notes:**

1. Write "A" if "lower collection" is on account of a certificate under sub-section (9) of section 206C.
2. Write "B" if "non-collection" is on account of furnishing of declaration under sub-section (1A) of section 206C.
3. Write "C" if collection is at higher rate under section 206CC on account of non-furnishing of PAN/Aadhaar by the collectee
4. Write "D" if no collection is on account of the first proviso to sub-section (1G) of section 206C.
5. Write "E" if no collection is on account of the fourth proviso to sub-section (1G) of section 206C.
6. Write "F" if no collection is on account clause (i) or clause (ii) of the fifth proviso to sub-section (1G) or in view of notification issued under the clause (ii).
7. Write "G" if no collection is on account of the second proviso to sub-section (1H) of section 206C.

8. Write "H" if no collection is on account of sub-clause (A) or sub-clause (B) or sub-clause (C), or in view of notification issued under sub-clause (c), of clause (a) of the Explanation.
9. Write "I" if collection is at a higher rate in view of section 206CCA\*.
10. Write collection code as mentioned below:

Section	Nature of collection	Collection Code	
206C	Collection at source from alcoholic liquor for human consumption	6C	A
206C	Collection at source from timber obtained under forest lease	6C	B
206C	Collection at source from timber obtained by any mode other than a forest lease	6C	C
206C	Collection at source from any other forest produce (not being tendu leaves)	6C	D
206C	Collection at source from scrap	6C	E
206C	Collection at source from contractors or licensee or lease relating to parking lots	6C	F
206C	Collection at source from contractors or licensee or lease relating to toll plaza	6C	G
206C	Collection at source from contractors or licensee or lease relating to mine or quarry	6C	H
206C	Collection at source from tendu leaves	6C	I
206C	Collection at source on sale of minerals, being coal or lignite or iron ore	6C	J
206C	Collection at source on cash sale of bullion and jewellery	6C	K
206C	Collection at source on sale of motor vehicle	6C	L
206C	Collection at source on remittance under LRS for purchase of overseas tour program package	6C	O
206C	Collection at source on remittance under LRS for educational loan taken from financial institution mentioned in section 80E	6C	P
206C	Collection at source on remittance under LRS for purpose other than for purchase of overseas tour package or for educational loan taken from financial institution	6C	Q
206C	Collection at source on sale of goods	6C	R"

\* Note In relation to section 206CCA, the changes shall come into effect from 1<sup>st</sup> July, 2021.

6. In principal rules, in Appendix II, in Form 27Q, –

(a) for the brackets, words, figures and letters “[See section 194E, 194LB, 194LBA, 194LBB, 194LBC, 194LC, 194N, 195, 196A, 196B, 196C, 196D, 197A and rule 31A]”, the following brackets, words, figures and letters shall be substituted, namely:-

“[See section 194E, 194LB, 194LBA, 194LBB, 194LBC, 194LC, 194N, 195, 196A, 196B, 196C, 196D, 197A, 206AA, 206AB and rule 31A]”;

(b) for the “Annexure”, the following “Annexure” shall be substituted, namely:-





3															
Total															

Date of deduction (dd/mm/yyyy)	Rate at which deducted	Reason for non-deduction/ lower deduction/ grossing up/ Higher Deduction (See notes 1 to 10)	Number of the certificate issued by the Assessing Officer for non-deduction/ lower deduction	Whether the rate of TDS is as per IT Act (a) DTAA (b)	Nature of Remittance	Unique Acknowledgement of the corresponding Form No. 15CA, if available	Country to which remittance is made	Email ID of deductee	Contact number of deductee	Address of deductee in country of residence	Tax Identification Number/ Unique identification number of deductee
[727]	[728]	[729]	[730]	[731]	[732]	[733]	[734]	735	736	737	738
1											
2											
3											
Total											

### Verification

I,....., hereby certify that all the particulars furnished above are correct and complete.

Place: .....

.....  
Signature of the person responsible for deducting tax at source

Date: .....

.....  
Name and designation of the person responsible for deducting tax at source

### Notes:

1. Write "A" if "lower deduction" or "no deduction" is on account of a certificate under section 197.
2. Write "C" if grossing up has been done.
3. Write "D" if deduction is on higher rate under section 206AA on account of non-furnishing of Permanent Account Number or Aadhaar Number or non-linking of PAN with Aadhar.
4. Write "E" if no deduction is in view of sub-section (2A) of section 194LBA.

5. Write "M" if no deduction or lower deduction is on account of notification issued under second proviso to section 194N.
6. Write "N" if no deduction or lower deduction is on account of payment made to a person referred to in the third proviso to section 194N or on account of notification issued under the fourth proviso to section 194N.
7. Write "O" if no deduction is in view of clause (a) or (b) of sub-section (1D) of section 197A.
8. Write "H" if no deduction is in view of proviso to sub-section (1A) of section 196D in respect of an income paid to a specified fund which is exempt under clause (4D) of section 10.
9. Write "I" if no deduction is in view of sub-section (2) of section 196D in respect of income of the nature of capital gains on transfer of securities referred to in section 115AD paid or payable to a Foreign Institutional Investor.
10. Write "J" if deduction is at higher rate in view of section 206AB for non-filing of return of income by the non-resident having a permanent establishment in India\*.
11. List of section codes is asunder:

Section	Nature of Payment	Section Code
192A	Payment of accumulated balance due to an employee	192A
194E	Payments to non-resident Sportsmen/Sport Associations	94E
194LB	Income by way of interest from infrastructure debt fund	4LB
194LBA(a)	income referred to in section 10(23FC)(a) from units of a business trust.	LBA1
194LBA(b)	Income referred to in section 10(23FC)(b) from units of a business trust	LBA2
194LBA(c)	Income referred to in section 10(23FCA) from units of a business trust	LBA3
194LBB	Income in respect of units of investment fund	LBB
194LBC	Income in respect of investment in securitisation trust	LBC
194LC	Income by way of interest from Indian company	4LC
194LD	Income by way of interest on certain bonds and Government securities.	4LD
194N	Payment of certain amounts in cash	94N
194N First Proviso	Payment of certain amount in cash to non-filers.	4N-F
195	Other sums payable to a non-resident	195
196A	Income in respect of units of Non-Residents	96A
196B	Payments in respect of Units to an Offshore Fund	96B
196C	Income from Foreign Currency Bonds or shares of Indian Company payable to Non-Resident	96C
196D(1)	Income of foreign institutional investors from securities under sub-section (1)	96D

196D(1A)	<i>Income of specified fund from securities referred to in clause (a) of sub-section (1) of section 115AD (other than interest income referred to in section 194LD)</i>	96DA
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12. *In case of deductees covered under rule 37BC, Permanent Account Number or Aadhaar Number NOT AVAILABLE should be mentioned.”*

\* Note In relation to section 206AB, the changes shall come into effect from 1<sup>st</sup> July, 2021.

[Notification No. 71/2021/F. No. 370142/19/2021-TPL]

KAMLESH CHANDRA VARSHNEY, Jt. Secy. (Tax Policy and Legislation Division)

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) *vide* notification number S.O. 969 (E), dated the 26<sup>th</sup> March, 1962 and last amended *vide* notification number G.S.R. 338(E) dated 24<sup>th</sup> May, 2021