

## **NDA Update – Condonation of delay under Income Tax Act**

CBDT has issued a Circular (Circular No 11/ 2024 dt 01.10.2024) authorizing the Income Tax Authorities to admit the applications for condonation of delay in filing returns, claiming refund and claiming carry forward of loss and set off thereof. The conditions for condonation and the procedures to be followed for deciding such matters are provided below in brief.

The authorities vested with power of acceptance / rejection of claim with monetary limits are as under:

<b>Monetary limit of claim for any Assessment Year</b>	<b>Authority having power to accept / reject</b>
Less than Rs 1 crore	Principal Commissioners of Income-tax/Commissioners of Income-tax (Pr. CIT/CIT)
Between Rs. 1 to 3 crores	Chief Commissioners of Income-tax (CCIT)
Above Rs 3 crores	Principal Chief Commissioners of Income-tax (Pr. CCIT)

CIT, Central Processing Centre shall be vested with the power of acceptance / rejection of petition seeking condonation of delay in verifying the ITR by sending the ITR-V to centralized processing Cell (CPC).

**Time limit for making application** - 5 years from the end of the assessment year for which such application/claim is made. In a case where refund claim has arisen consequent to a Court order, the period for which any such proceedings were pending before any Court of Law shall be ignored while calculating the said period of 5 years, provided such condonation application is filed within six months from the end of the month in which the Court order was issued or the end of financial year whichever is later.

**Disposal of application** – Within 6 months from the end of month in which application is made.

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**Further conditions in case of claim for refunds-** The claims for refund would be subject to the following further conditions

- The income of the assessee is not assessable in the hands of any other person under any of the provisions of the Act.
- No interest will be admissible on belated claim of refunds.
- The refund has arisen as a result of excess tax deducted/collected at source and/or excess advance tax payment and/or excess payment of self assessment tax.

<https://incometaxindia.gov.in/communications/circular/circular-11-2024.pdf>