



# TDS & TCS Compliance

**CA Rohit Kapoor**

© *Rohit Kapoor And Company*  
Chartered Accountants

*Email:- [carohit.rkc@gmail.com](mailto:carohit.rkc@gmail.com)  
Mobile:- +91-9910765030*



# Introduction

## TDS

- Introduction & Coverage
- In Depth Discussion of TDS Deduction under Various Sections (Other than NR)
- Various Records & Penalties i.r.t. TDS
- Practical Examples and Tax Planning
- Interest and Penal Provisions
- TDS Return Filings (Form 24Q & 26Q)
- Introduction to e-filing of TDS Returns
- Special Consideration with Case Studies
- Practical Challenges & Solutions

## TCS

- Introduction
- Provision Analysis and Discussion



# TDS Compliance (Other than Section 195)

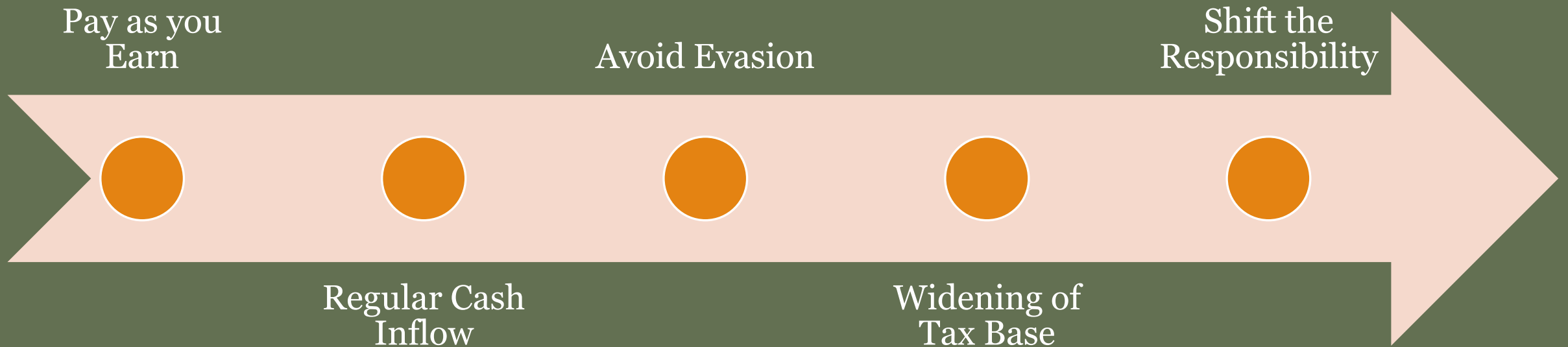
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# Objective Behind TDS





# Some Important Point to be Kept in Mind



- What is the nature of payment being made?
- Is it covered by any of the TDS sections?
- On what amount is it to be deducted?
- What is the rate of TDS?
- What is Threshold Limits for TDS Deduction?
- When is it to be deducted?
- When is to be paid to the Govt.?
- Which challan is to be used for payment?
- Which TDS statement is to be filed?
- When is it to be filed?
- Which form of TDS certificate to be issued?
- When is it to be issued?
- Special Provision i.r.t. Special Transactions?



# Basic Understanding and Important Terms

- TDS stands for **TAX DEDUCTED AT SOURCE**.
- As per the Income Tax Act, any company or person making a payment is required to deduct tax at source if the payment exceeds certain **THRESHOLD LIMITS**.
- TDS has to be deducted at the **RATES PRESCRIBED** by the tax department.
- The company or person that makes the payment after deducting TDS is called a **DEDUCTOR / PAYER**
- The company or person receiving the payment is called the **DEDUCTEE./ PAYEE**
- It is the **DEDUCTOR'S RESPONSIBILITY to DEDUCT TDS** before making the payment and **DEPOSIT** the same with the government.
- TDS is **DEDUCTED IRRESPECTIVE OF THE MODE OF PAYMENT** – cash, cheque or credit and is linked to the PAN of the deductor and deductee.



# When to Deduct TDS

## TDS is Deducted only

- If amount is Taxable in Hands of Receiver

## TDS requirement Arises

- *Earlier of Following*
  - At the Time of Payment
  - At the Time of Crediting the Account of payee or Suspense Account

## TDS only at the Time of Payments

- *Salary*
- *EPF Payment*
- *Winnings*
- *Maturity from Life Insurance Policy*
- *Compensation on Compulsory Acquisition of Property*



# Rates Of TDS

- All TDS Rates are Fixed i.e. 1%, 2%, 5%, 10% etc
- Rate of TDS on Salary Shall be as per Slab Rates applicable to Payee
- If Payment Made to Non Resident (NR) or Foreign Company or Payment of Salary, **SURCHARGE** and **HEALTH & EDUCATION CESS** shall be Considered
- If Payee/Deductee does **NOT FURNISH PAN** to Payer, the TDS rate Shall be **(Section 206AA)** –
  - Higher of
    - Rate as per respective Section
    - Rate @ 20%





# Section 192

# TDS On Salary



# TDS on Salary

## Nature of Payment

- Salary

## Payer

- Any Person

## Payee

- Employee ( Resident or Non-Resident)

## Rate of TDS

- as Per Slab

## Additional Notes

- Employer Shall Consider details of **OTHER INCOME** and **DEDUCTION** of Employee, if furnished by Employee (**Form No. 12BB**)
- Employer shall not consider any loss except loss under the Head income from House Property



# Rates of Income Tax - Basic

Assessment Year 2020-21 & 2021-22

Income		RATES OF INCOME TAX		
		Individual Resident (Age less than 60 Years) and Non Resident	Senior Citizen Resident (Age above 60 Years)	Super Senior Citizen Resident (Age above 80 Years)
1.	Up to Rs. 2,50,000	Nil	Nil	Nil
2.	Rs. 2,50,000 to Rs. 3,00,000	5%	Nil	Nil
3.	Rs. 3,00,000 to Rs. 5,00,000	5%	5%	Nil
4.	Rs. 5,00,000 to Rs. 10,00,000	20%	20%	20%
5.	Above Rs. 10,00,000	30%	30%	30%



# Rates of Surcharge & Cess

Assessment Year 2020-21 & 2021-22

## Surcharge Rates

Range of Income				
Rs. 50 Lakhs to Rs. 1 Crore	Rs. 1 Crore to Rs. 2 Crores	Rs. 2 Crores to Rs. 5 Crores	Rs. 5 crores to Rs.10 Crores	Exceeding Rs. 10 Crores
10%	15%	25%	37%	37%

## Health & Education Cess Rate

Levied on Income Tax + Surcharge
4%



# Misc. Point i.r.t. Salary

- In Case where employee works with More than one employer simultaneously or employee change his job and join another employer, then at his option he may furnish the detail of his other employment to any one of the employers or current employer in **Form No. 12B**.
- Employer is required to obtain proof or evidence or particulars of prescribed
  - Deduction
  - Exemption
  - Set-off of lossClaimed by the Employee



# Computation of TDS

# On Salary



# Computation of TDS on Salary

## Calculate Annual Salary

Calculate the estimate annual income of the employee that would be classified as "salaries"

## Addition /Deletion

Add Income or deduct loss declared by the employee. Deduct allowed deductions declared by Employee.

## Estimated Tax

Calculate Income tax payable by the employee based on the Income tax rate in force.

## Deduct TDS

Divide the Total In. tax payable by the employee by the number of month in employment and deduct tax at source prior to Salary Payment.



# TDS on Interest other than Securities

## Section 194A

### Nature of Payment

- Interest

### Payer

- Any Person (Other than Individual & HUF, not covered under Section 44AB)

### Payee

- Resident Person

### Threshold Limit

- Rs. 40,000/- & Rs. 50,000/- (For SC), if Payer -> Bank / Co-Op. Bank / Post Office
- Rs. 5,000/-, In other cases

### Rate of TDS

- 10%





# TDS on Interest other than Securities

## Coverage

- Inter - Corporate Deposits/Loans
- Public Deposits
- Loans
- Suppliers on late payment of bills (also where payments routed through the bank)
- Service fees in respect of loans and commitment charges on the unutilized portions of the credit facilities {*ITO v Arihant Trust & Others [214 ITR 306](Mad)*}

## No TDS

- *Interest Paid by Firm to Partner*
- *Interest on Income Tax*
- *Interest on Saving Account*
- *Interest Paid by Bank/LIC/UTI/Insurer, Bank Opting Core Banking Solution (CBS), up to Rs. 40,000/- (Per Bank not Branch)*
- *Interest Paid by Co-Op Society (Other than Co-Op Bank) to its Member / Any Other Co-Op Society*



# TDS on Interest other than Securities

Company Paid the following Interest to persons against loan, advances & security deposits

Particulars	Case 1	Case 2	Case 3	Case 4
Loan Amount	5 Lac	10 Lac	15 Lac	10 Lac
Interest Rate (p.a.)	1%	2%	1%	2.5%
Period	Monthly	Quarterly	Half Yearly	Yearly
Interest Amount	417	5000	7500	25000
Date of Payment of Interest	10 <sup>th</sup> of every month	Last day of Quarter	Last day of Half Year	On 31 <sup>st</sup> March
Is TDS Applicable	No	Yes	Yes	Yes
TDS Rate	--	10%	10%	10%
TDS Amount	Nil	500	750	2500
TDS Payable on	N.A.	On or before the 7th day of next month	On or before the 7th day of next month	On or before the 30th April



# TDS on Contract

## Section 194C



### Nature of Payment

- Contract

### Payer

- Any Person (Other than Individual & HUF, not covered under Section 44AB)

### Payee

- Any Resident Person

### Threshold Limit

- Upto Rs. 30,000/- for single payment
- Upto Rs. 1,00,000/- for Aggregate of payment

### Rate of TDS

- If Contractor individual or HUF 1% Other 2%



# TDS on Contract

## Section 194C



### For the purpose of contract, work includes

- Advertisement, Broadcast, Telecast
- Catering
- Carriage of goods, passengers other than railway.
- Manufacturing/ supplying of any product as per specification of customer out of material purchased/ supplied by such customer (Job Work)

### *No TDS*

- No TDS if contract is for personal purpose of Individual/HUF
- No TDS if payment made to transporter & he does not own more than 10 vehicle at any time during the P.Y. & he furnishes a declaration



# TDS on Contract

## Section 194C



### ○ *Following Types of Contract or Service May Attract Section 194C*

- Job Work Charges
- Supply of Manpower (Other than HR Services)
- House Keeping Service
- Transportation
- CFA Agent Expenses
- Expenses of Pure Agent i.r.t. Service
- Conferences and Banquets Service
- Event Services
- Work Contracts



# Example on TDS on Contractors - 1

S. No.	Deductor	Deductee	Work	Payment	TDS Rate	TDS
1	Individual	Individual	Advertising contract	20,000	NA	NA
2	Individual	HUF	Job work	35,000	1%	350
3	Company	Individual	Labour Supply Contract	29,000	NA	NA
4	Individual	Company	Advertising	32,000	2%	640

- NA means TDS deduction is not required.
- Assuming that individual is audit party.



# Example on TDS on Contractors - 2

Now we take another example when ABC Ltd has taken services of work contractor during the year on various dates. Let's examine TDS provision and applicability on various payments.

Date	Purpose	Payment	TDS Rate	TDS
22/4/19	Business	22,000	NA	NA
30/6/19	Business	29,000	NA	NA
30/9/19	Business	25,000	NA	NA
31/1/19	Personal	32,000	NA	NA
21/3/20	Business	32,000	1%	1,080



# TDS on Commission & Brokerage

## Section 194H

### Nature of Payment

- Commission & Brokerage

### Payer

- Any Person (Other than Individual & HUF, not liable to tax audit in last p.y)

### Payee

- Any Resident Person

### Rate of TDS

- 5%





# TDS on Commission & Brokerage

## Section 194H

### ○ *No TDS*

- if commission is upto Rs 15,000/-
- commission/Brokerage is relating to securities like
  - commission to underwriters,
  - Brokerage on public issue,
  - Brokerage on stock exchange transaction etc

### ○ *Exceptions*

- Commission by Employer to Employee (It is Covered under Section 192)
- Commission by Insurance Company to Insurance Agents





# TDS on Rent

## Section 194I



### Nature of Payment

- Rent

### Payer

- Any Person (Other than Individual & HUF, not covered under Section 44AB)

### Payee

- Any Resident Person

### Threshold Limit

- Rs. 2,40,000/- p.a.

### Rate of TDS

- Plant & Machine – 2%
- Land & Building, furniture - 10%



# TDS on Rent – Case Study

## – Other than Plant & Machinery

### Section 194I



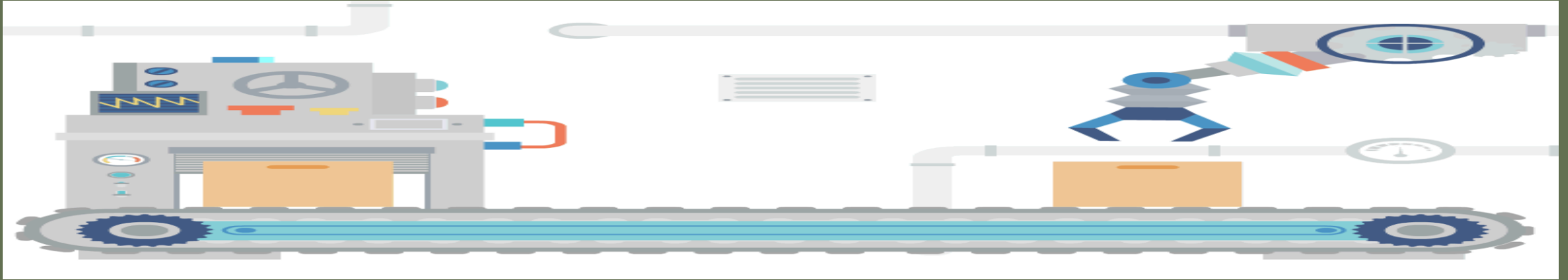
Particular	Case-1	Case-2	Case-3	Case-4
Monthly Rent	15,000	25,000	18,000	20,000
Tenancy Commenced From	Apr-19	Jun-19	Jun-19	Apr-19
Tenancy End	Mar-20	Mar-20	Dec-19	Mar-20
Total Period Rent	1,80,000	2,50,000	1,26,000	2,40,000
TDS Deduction	N.A.	2,500 p.m.	N.A.	N.A.



# TDS on Rent – Case Study

## – Plant & Machinery

### Section 194I



A company taken Plant & Machinery or Equipment on Rent from **ANY PERSON**, on Monthly Rent of Rs. 3,00,000/- plus GST of Rs. 36,000/-

**In this case, company is require to Deduct TDS of Rs. 6,000/- p.m. (i.e. 2,00,000 x 2%)**



# TDS ON RENT IMPORTANT POINTS

## Section 194I



### No TDS

- *No TDS if rent up to Rs 2,40,000 p.a. (if property is owned by more than one then limit of Rs. 2,40,000 applied to each co-owner)*
- *No TDS on Municipal taxes*

### Other points

- *Non refundable deposit, arrears of rent received, advance rent also eligible for TDS.*
- *If rent is paid to Business trust (REIT) in respect of rent of real estate assets as it is exempt u/s 10 (23FCA) then TDS not applicable.*
- *The recipient of rent can give declaration u/s 197A in form 15G/15H*



# TDS on Immovable Property

## Section 194IA

<b>Nature of Payment</b>	TDS on transfer (purchase) of immovable property (other than rural agricultural land)
<b>Payer</b>	Any Person
<b>Payee</b>	Any Resident Person
<b>Rate of TDS</b>	1%





# TDS on Immovable Property

## Section 194IA

### No TDS

- *No TDS if consideration is less than Rs 50 lakhs.  
[Actual consideration & not the SDV]*

### *Other Points*

- If consideration is Rs 50 lakhs or more & only part payment is made then TDS is applicable on every part payment of consideration



# TDS on Immovable Property

## Section 194IA

### Payment of TDS

- within 30 days from the end of the month in which TDS was deducted.

### *Return Form*

- Form 26QB

### *TDS Certificate*

- *Form 16B*





# TDS on Immovable Property

## Section 194IA

### Agricultural Land

- It is situated within jurisdiction of Municipality or Cantonment Board which has a population of not less than 10,000
- It is situated in any area measured aerially within any of Three Conditions given below

### Three Conditions

- **More than 10,000 but does not exceed 1,00,000**
  - Within 2 kms
- **More than 1,00,000 but does not exceed 10,00,000**
  - Within 6 kms
- **Exceeding 10,00,000**
  - Within 8 kms



# TDS on Immovable Property

## Section 194IB



**Nature of Payment** Rent of Immovable Property



**Payer**

Individual & HUF  
(other than covered u/s 194I)



**Payee**

Any Resident Person



**Rate of TDS**

5%





# TDS on Immovable Property

## Section 194IB

### *No TDS*

- *Rent is up to Rs 50,000 per month or part of the month*

### *Other Points*

- *TDS Should be deducted in the last month of Previous Year or Last Month of Tenancy in the Previous Year*
- *TDS Should not exceeds rent of Last Month*



# TDS on Immovable Property – Case Study

## Section 194IB

Particulars	Amount
Rent per month	55,000
No of months	12
Total rent paid	6,60,000
TDS @ 5% as per Sec 194IB	33,000

TDS will be deducted once in a year so,  
rent annually paid  
 $= \text{Rs.}55,000 * 12 = \text{Rs.}6,60,000$

TDS @5 percent  
 $= 5\% * \text{Rs.}6,60,000 = \text{Rs.}33,000$

Rent paid in last month of the year will  
be  
 $= \text{Rs.}55,000 - \text{Rs.}33,000 = \text{Rs.}20,000.$

**Note: In all other months Rs.55,000 will be paid.** Email:- [carohit.rkc@gmail.com](mailto:carohit.rkc@gmail.com)  
Mobile:- +91-9910765030



# TDS on Professional Service

## Section 194J

<b>Nature of Payment</b>	Professional Services
<b>Payer</b>	Any Person (Other than Individual & HUF, not liable to tax audit in last P.Y)
<b>Payee</b>	Any Resident Person
<b>Threshold Limit</b>	Rs. 30,000/-
<b>Rate of TDS</b>	10% 2% - if payment made to call center





# TDS on Professional Service

## Section 194J

### *No TDS*

- *Fees for professional services is upto Rs 30,000*
- *Fees for technical services upto Rs 30,000*
- *Royalty is upto Rs 30,000*
- *Non complete fees is upto Rs 30,000*
- *In case of Director fees – No limit*

### *Other Points*

- *Limit of Rs 30,000 applied separately on professional fees, Royalty, etc. (except director fees).*



# TDS on Contract, Commission or Brokerage or Fees for Professional Service

## Section 194M



**Nature of Payment**

- Specified U/s. 194C, 194H, 194J

**Payer**

- Any Person (Other than covered u/s. 194C, 194H, 194J))

**Payee**

- Any Resident Person

**Threshold Limit**

- Rs. 50,00,000/-

**Rate of TDS**

- 5%



# TDS on Cash withdrawal in excess of Rs. 1 Crore



Section 194N

Nature of Payment

- Cash Withdrawal

Payer

- Bank, Co. Op. Bank, Post Office

Payee

- Any Person

Threshold Limit

- Rs. 1,00,00,000/-

Rate of TDS

- 2% on (Amount Withdrawal – 1 Cr.)





**Basics**

**TAN**



# TAN :- Tax Deduction Account Number

## Meaning of TAN

- Tax Deduction Account Number is a 10 digit alphanumeric number

## TAN Coding

DEL	M	12345	L
State Code	First Alphabet of Organization Name	Numeric (5 Places)	Alphabet

## Who is require to obtain TAN

Every person who is liable to deduct tax at source is required to obtain TAN. However, a person who is required to deduct tax under Section 194-IA can use PAN in place of TAN.

## Relevance of TAN

It is mandatory to quote TAN in following documents:

- TDS statements i.e. return
- Challans for payment of TDS
- TDS Certificates
- Other documents as may be prescribed



# Due Dates for Payment of TDS

Tax Deducted	Due Date
During Apr-Feb	7 <sup>th</sup> of Next Month
In March	30 <sup>th</sup> April



# ILLUSTRATION - DUE DATES

Month	Date of deposit with the Government
Tax deducted during the month of April 2019	03/05/2019
Tax deducted during the month of May 2019	07/06/2019
Tax deducted during the month of June 2019	18/07/2019
Tax deducted during the month of July 2019	02/08/2019
Tax deducted during the month of August 2019	04/09/2019
Tax deducted during the month of September 2019	09/10/2019
Tax deducted during the month of October 2019	06/11/2019
Tax deducted during the month of November 2019	11/12/2019
Tax deducted during the month of December 2019	02/01/2020
Tax deducted during the month of January 2020	05/02/2020
Tax deducted during the month of February 2020	05/03/2020
Tax deducted during the month of March 2020	25/04/2020



# ILLUSTRATION - DUE DATES

TDS for the Month of deposit	Due date of deposit of TDS with Government	Actual Date of deposit of TDS with Government	Whether deposited within the due date?
April, 2019	07/05/2019	03/05/2019	Yes
May, 2019	07/06/2019	07/06/2019	Yes
June, 2019	07/07/2019	18/07/2019	No
July, 2019	07/08/2019	02/08/2019	Yes
August, 2019	07/09/2019	04/09/2019	Yes
September, 2019	07/10/2019	09/10/2019	No
October, 2019	07/11/2019	06/11/2019	Yes
November, 2019	07/12/2019	11/12/2019	No
December, 2019	07/01/2020	02/01/2020	Yes
January, 2020	07/02/2020	05/02/2020	Yes
February, 2020	07/03/2020	05/03/2020	Yes
March, 2020	30/04/2020	25/04/2020	Yes



# Payment of TDS

## Mandatory E-payment

### Circular No.5 /2008

- All the corporate assesses.
- All assesses (other than company) to whom provisions of section 44AB of the Income Tax Act, 1961 are applicable.
- Note:- Challan 281

**Note:- Some Bank also accept Payment of TDS by Cheque**

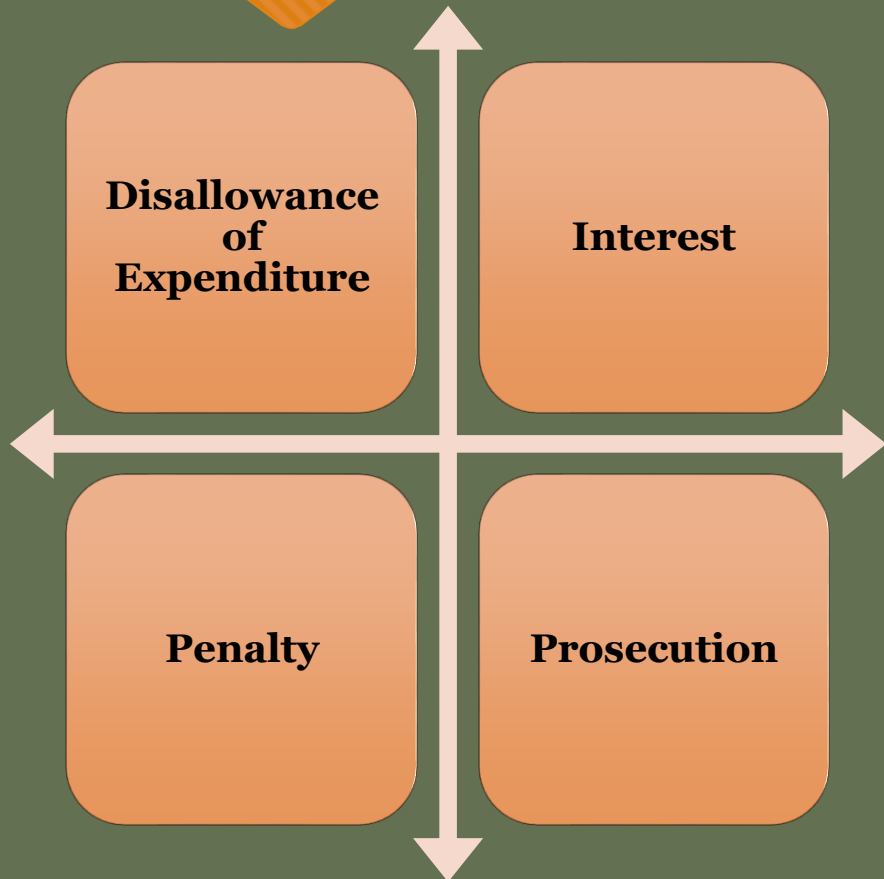


**CONSEQUENCES  
OF DEFAULT**

**TDS**



# CONSEQUENCES OF DEFAULT IN TDS COMPLIANCE i.r.t. Deduction & Payment







# CONSEQUENCES OF DEFAULT IN TDS COMPLIANCE i.r.t. Deduction & Payment



## Disallowance of Expenditure

Section	Particulars	Amount Disallowed
40 (a)(i)	Payment to Non Resident or Foreign Company(Other than Salary) <ul style="list-style-type: none"><li>• Without TDS Deduction</li><li>• With TDS Deduction but TDS Not Deposit up to due date u/s. 139(1)</li></ul>	100%
40(a)(ia)	Payment to Resident <ul style="list-style-type: none"><li>• Without TDS Deduction</li><li>• With TDS Deduction but TDS Not Deposit up to due date u/s. 139(1)</li></ul>	30%
40(a)(iii)	Payment of salary to Non Resident or Outside India <ul style="list-style-type: none"><li>• Without TDS Deduction</li><li>• With TDS Deduction but TDS not Deposited up to due Date of TDS Payment</li></ul>	100%



# CONSEQUENCES OF DEFAULT IN TDS COMPLIANCE i.r.t. Deduction & Payment



## Interest For Delay In Payment of TDS

Stage of deduction	Rate Per Month or Part of the Month
From date when deductible till deduction	1.00%
From date of deduction till payment	1.50%



# CONSEQUENCES OF DEFAULT IN TDS COMPLIANCE i.r.t. Deduction & Payment



## Levy of Penalty

### Section 221

For TDS Deducted but not Deposited

- Upto amount of TDS

### Section 271C

For Non Deduction of TDS

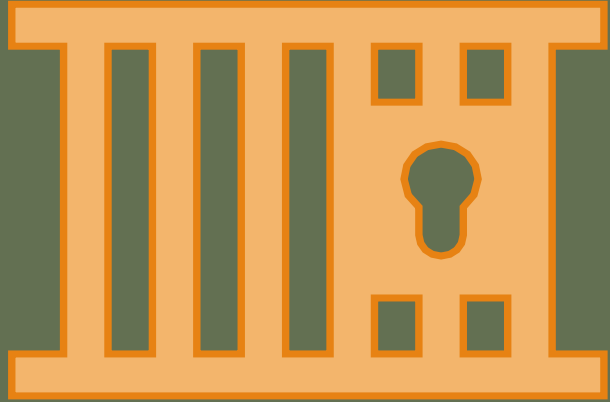
- Equal to TDS Not Deducted



# CONSEQUENCES OF DEFAULT IN TDS COMPLIANCE i.r.t. Deduction & Payment



## Prosecution



Rigorous  
imprisonment

- Minimum 3 Month
- Maximum 7 Years



FINE



**Return**

**TDS**



# TDS Return – Due Date

For Quarter Ending	Due Date
<b>30th June</b>	31st July of the financial year
<b>30th September</b>	31st October of the financial year
<b>31st December</b>	31st January of the financial year
<b>31st March</b>	31st May of the financial year immediately following the financial year in which deduction is made



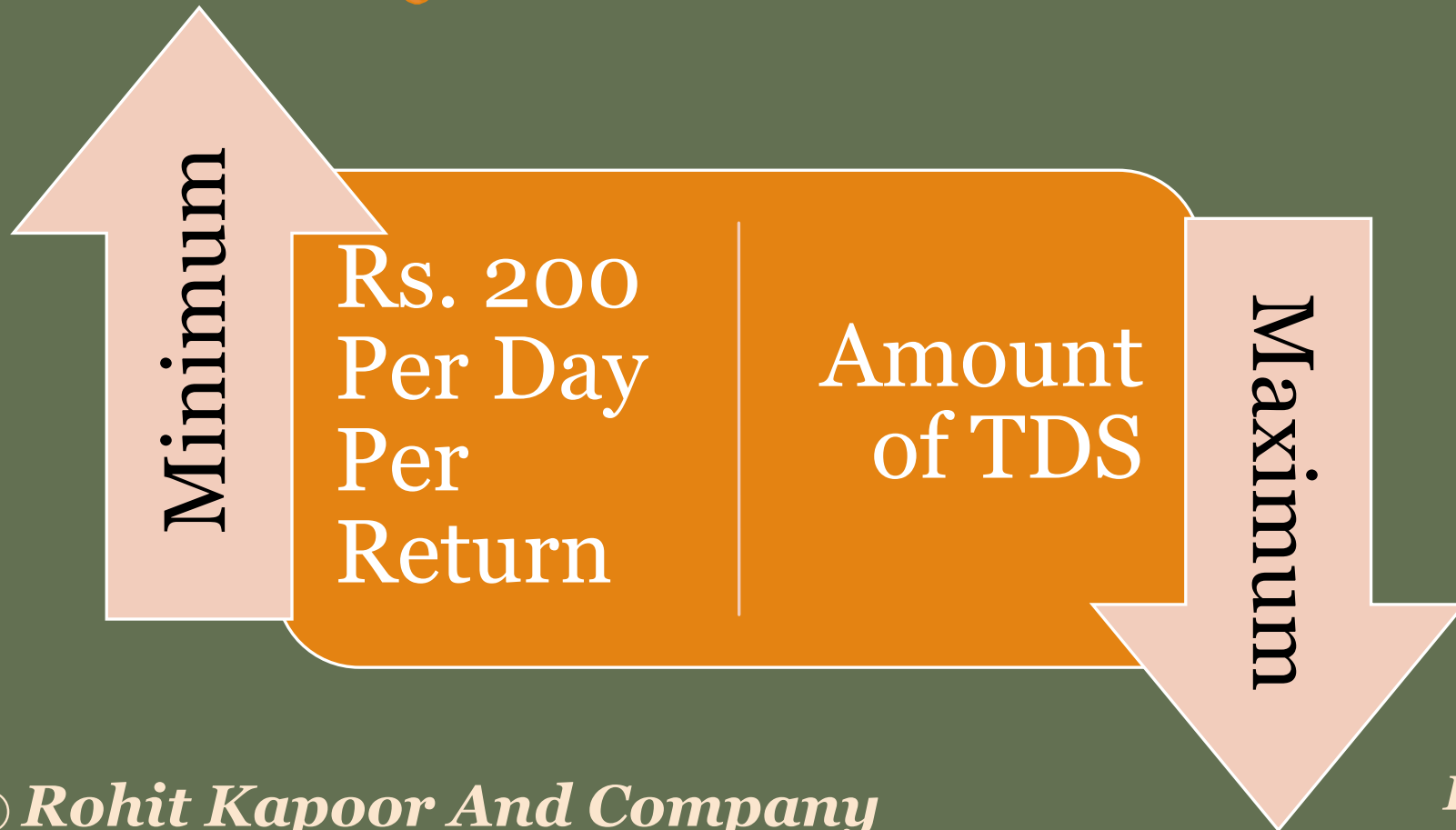
# TDS Return – Forms

S.No	Form	Particulars
1	24Q	Statement of deduction of tax from salary under section 192.
2	27Q	Statement of deduction of tax under section 193 to 196D in respect of the deductee who is a non-resident (not being a company) or a foreign company or resident but not ordinarily resident.
3	26Q	Statement of deduction of tax under section 193 to 196D in any other case.



# TDS Return – Late Filing Fee

Section 234E







# TDS

# CERTIFICATE



# TDS CERTIFICATE

## TDS Certificate

TDS certificate is a Document Generated from TRACES viz. helps the assessee to claim credit of TDS deducted on his/her account.

## Types of TDS Certificate

Basically TDS Certificates are of Three Types

Type	Form No.	Particulars
Annual TDS Certificate	16	Annual TDS certificate is issued to employees for TDS on Salary
Quarterly TDS Certificate	16A	Quarterly TDS certificates are issued for deduction of TDS on income other than salary
Special TDS Certificate	16B/ 16C	In case of Section 194IA and 194IB



# TDS CERTIFICATE

- **Form - 16**

within 15 days of filing the fourth quarter TDS returns.

- **Form 16A**

- For first quarter - 15th August
- For second quarter – 15th November
- For third quarter – 15th February
- For fourth quarter – 15th June

- **Form 16B or 16C**

within 15 days of filing of Form  
26QB or Form 26QC





# TDS CERTIFICATE

## ○ Digital Signature

- Deductors can digitally sign the TDS
- TDS certificate will be supported by a check mark, is VALID.
- TDS Certificate supported with a question mark, is NOT VALID.



## ○ Penalty for Not Issuing TDS Certificate

- Min:- Rs 100 per day for each certificate.
- Max:- TDS amount for the quarter.





**Documents  
& Records**

**TDS**



# Documents & Records

**Employment  
Letter & CTC Sheet**

**Employee  
Declaration**

**Allowances Proof**

**Deductions Proof**

**Computation and  
Summary of  
Monthly TDS**

**Lower TDS  
Certificate u/s. 197**

**Form  
15G/Form15H**

**Challans of Tax  
Payments**

**Acknowledgement  
of TDS Return  
Filed**

**TDS Returns  
Forms**

**TDS Certificates**

**Notices &  
Communication**

**Submissions /  
Reply**

**Declaration u/s.  
194C(6)**

**Other Misc.  
Documents**

**Unutilized Challan  
Details**



**Compliance**

**TCS**



# Tax Collection at Source

- Seller Shall collect TAX from Buyer
- At the time of (Earlier of)
  - Debiting the Account
  - Receipt of Amount





# Rates of TCS

Nature of Goods	TCS Rate
Alcoholic Liquor for Human Consumption	1%
Tendu Leaves	5%
Timber & Other Forest Product	2.5%
Scrap	1%
Mineral being coal, lignite or iron ore	1%
Motor Vehicle (if Cons" > 10 Lac)	1%



# THANKYOU

## ConsulatEase

### &

## CA Rohit Kapoor

### Rohit Kapoor And Company

[carohit.rkc@gmail.com](mailto:carohit.rkc@gmail.com)

+91-9910765030



[/rohitkapoorca](https://www.facebook.com/rohitkapoorca)



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Chartered Accountants

Email:- [carohit.rkc@gmail.com](mailto:carohit.rkc@gmail.com)

Mobile:- +91-9910765030