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मुंबई पोर्ट ट्रस्ट
Mumbai Port Trust



यातायात प्रबंधक का कार्यालय,
पत्तन भवन,
शूरजी वल्लभदास मार्ग,
मुंबई - 400 001.
Traffic Manager's Office,
Port House,
Shoorji Vallabhdas Marg,
Mumbai - 400 001.

No.TM/B/6-1/TDS/ 60

of 2021-22

09 JUN 2021

CIRCULAR

All Ship Owners/Shipping Agents/Container Operators/
Importers/Exporters/Custom Brokers and other Port Users.

The President,

The Shipping Corporation of India

The President

Maritime Association of Nationwide Shipping Agencies - India (MANSA)

The President

Brihanmumbai Custom Brokers Association (BCBA)

The President

All India Liquid Bulk Importers Exporters Association

The President

Indian Merchants' Chamber

The President

Mumbai Chamber of Commerce & Industry

The President

Indian Barge Owners' Association

The Secretary,

Iron & Steel Scrap and Ship Breakers Association

Indian Ship Breakers Association

Darukhana Sand Merchants Association.

Dear Sirs,

Sub: Implementation of Special Provision
of Section 206AB and Section 206CCA
of Income Tax Act w.e.f. 01.07.2021.

The Finance Bill 2021 has proposed new Section 206AB and Section 206CCA under Income Tax Act, 1961 which provides for the higher rate of TDS and TCS respectively for the deductee who do not file their Income Tax Returns for the both of the two assessment years relevant to the two previous years which are immediately before the previous year in which tax is required to be deducted or collected. The sections 206AB and Section 206CCA applicable from 1 July, 2021. The gist of the provisions are as follows:

2/-

1. As per section 206AB, where any assessee makes any payment to a specified person, the TDS deducted will be higher of five percent or double the rate as specified in Act.
2. As per Section 206CC, where any assessee receives any amount from specified person, the TCS deducted will be higher of five percent or double the rate as specified in the Act

The specified person:

- i. The specified person is a person who has not filed the returns of income for both of the **two assessment years relevant to the two previous years** which are immediately before the previous year in which tax is required to be deducted or collected, as the case may be.
- ii. Further the time limit for filing tax return under sub-section (1) of **section 139 of the Act has expired for both these assessment years.**
- iii. There is another condition that aggregate of tax deducted at source and tax collected at source in his case is **rupees fifty thousand or more in each of these two previous years.**
- iv. Specified **person shall not include a non-resident** who does not have a permanent establishment in India.

2. Scope of Section 206AB

Section 206AB of the Act would apply on any sum or income or amount paid or payable or credited, by a person (herein referred to as Deductor) to specified person. However, this section shall not apply where the tax is required to be deducted under sections 192 (TDS on Salary), 192A (TDS on Premature withdrawal of EPF), 194B (TDS on winnings from lottery), 194BB (TDS on winnings from horse races), 194LBC (TDS by securitization trust) or 194N (TDS on cash withdrawal) of the Act.

The proposed TDS rate in this section is **higher** of the followings rates:

- **twice the rate** specified in the relevant provision of the Act, or
- **twice the rate or rates in force;** or
- **the rate of five percent.**

3. Scope of Section 206CCA

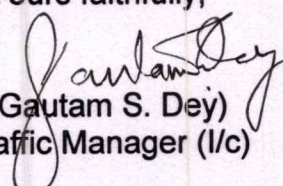
Section 206CCA of the Act would apply on any sum or amount received by a person (herein referred to as collectee) from a specified person.

The proposed TCS rate in this section is **higher** of the following rates:

- twice the rate specified in the relevant provision of the Act; or
 - the rate of **five percent**
4. This information is required to be sought every year in the month of March of every year so as to ascertain the rate of TDS for the respective party.
 5. In case a party is not required to file returns of income as per the Act in the mentioned previous periods, CA certificate certifying the fact be collected from the party.
 6. The said provisions would also be applicable in receipts/income by the port. Therefore, the required certification of port would be kept on its website for the deductees information.
 7. Circular is uploaded on the MbPT website www.mumbaiport.gov.in
 8. You are requested to give wide publicity amongst your members.

Encl: Declaration.

Yours faithfully,


(Gautam S. Dey)
Traffic Manager (I/c)

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I/We _____, PAN: _____, TAN: _____, referring to the provisions of 206AB of Income-tax Act, 1961 ('the Act'), hereby declare the following to ('.....') (Please provide correct answers and documents which is applicable):

Sr No	Questions	Answer	Remarks	Confirmation and Supporting Docs
1	Whether Income-tax return under section 139 of the Act for the Assessment Year 2019-20 has been filed?	Yes/No/NA	If yes, provide supporting. If NA then specify the reasons	Supporting enclosed
2	Whether Income-tax return under section 139 of the Act for the Assessment Year 2020-21 has been filed?	Yes/No/NA	If yes, provide supporting. If NA then specify the reasons	Supporting enclosed
3	Whether we will be filing the Income-tax return under section 139 of the Act for the Assessment Year 2021-22?	Yes/No/NA	Specify the date when it would be filed? If NA then specify the reasons	Please provide one line declaration that IT return would be filed and confirmation of the same would be provided after filing on ITD portal. Submit the ROI for FY 2020-21 as and when filed.
4	Whether aggregate of aggregate of deducted at Source ('TDS') and Taxed at Source ('TCS') of Assessment 2019-20 has exceeded INR 50,000?	Yes/No/NA	If NA then specify the reasons	
5	Whether aggregate of TDS and TCS of Assessment Year 2020-21 has exceeded INR 50,000?	Yes/No/NA	If NA then specify the reasons	
6	I have linked my PAN with Aadhaar number or will link it before 30 Jun 2021 (or any further date as may be notified by CBDT)	Yes/No/NA	If Linked provide supporting	Supporting enclosed

We do here by declare that to the best of my/our knowledge and belief what is stated above is correct, complete and is truly stated. In case there is tax liability, interest or penal impositions which are levied onon account of this representation/ declaration, I/we undertake to fully indemnify for the same.

Thanks

Name of Authorized Signatory
(Designation)

Signature