

INCOME TAX GAZETTED OFFICERS' ASSOCIATION

(HEADQUARTER: A-10D, MIG FLATS, MAYAPURI, NEWDELHI)

DELHI UNIT, NEW DELHI

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Ref. No. ITGOA/DEL/2021-22/03

Date: 02.03.2022

To

The Principal Chief Commissioner of Income Tax (CCA),
C.R. Building,
New Delhi

Sir,

Sub: Extension of time barring date of 31.03.2022 – Request Regarding –

Kindly refer to the above captioned issue and our earlier letter dated 07.02.2022 in this respect.

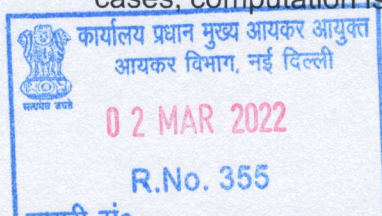
2. Your kind attention is again invited to the serious issues plaguing our members, posted in ReFAC as well as Jurisdictional charges. Now, our FAOs have come to the stage of nearly completing time barring penalties, they have left with all the time barring assessments cases and the time is just running out. The Faceless Assessing Officers are facing serious problems some of which are as under :-

(i) Recently new cases have been pushed to FAOs. With uncertainty of the workload, it is becoming very difficult on the part of the FAOs in planning and completing the assessments. If the FAO wants to follow the SOP for completing assessments, it will not be possible to complete assessments of the new cases. Of late, Courts are coming very heavily for failure to adhere to the SOPs.

(ii) All FAOs (ITOs) have around 60 pending assessments and DCsIT/ACsIT have around 120 cases (figures may vary from charge to charge). Officers holding additional charges have naturally double or more pending cases in the worklist. Around one lakh reopened cases have been pushed to the FAOs for completion. With less than 30 days (including Saturdays and Sundays), following a sacrosanct SOP, the case cannot be completed within the time barring date.

(iii) Accounts in vernacular languages: In some of the new cases pushed to the FAOs, the accounts and documents are in languages other than English. The documents have to be sent to the Technical Unit for translation. Only on receipt of translated documents, the process of assessment begins.

(iv) Computation module not yet made available: The computation module is yet to be enabled for other than individual assessee, contrary to the claims made. Even in Individual cases, computation is not glitch free. Further, recently passing of orders in CASS cases are



also withheld until further notification.

(v) Difficulties in getting third party information: Information called for from third parties u/s 133(6) of the Income Tax Act, 1961 are not received even after a long wait. FAOs are made to wait endlessly expecting to get information.

(vi) In most of these cases, the assessee starts responding after receiving the DAO/SCN. Thus, he prepares his case only after getting to know all related information and files his reply accordingly. He once files a return in compliance to the notice u/s 148, the FAO has to start from the scratch. At this stage end, these instances are gathering momentum.

(vii) Again ambiguity has risen on the time barring dates of the new 148 cases assigned in the last week of February (where the notices were issued during extended time limit). Many PCsIT are issuing dictate to complete these new cases by March, 2022 only. If this be the scenario, then pendency will double up to 100 for ITOs and 200 for ACsIT. Immediate intervention of Board is required clarifying the same.

(viii) In many cases, letters are sent to JAOs for sharing information related to reopened cases. As JAOs are fully pre-occupied with pending penalty, assessment, reopening, uploading of information in Insight etc., it appears to be humanly impossible for them to respond early, thus further delaying the entire process.

(ix) In many non-responsive cases, as reported by the VU, notice has been returned back by post with remark "address insufficient/assessee left without instructions". FAOs have no idea what to do with those cases as SOP does not speak clearly regarding this situation.

(x) Most of the assessee are seeking VC. Providing VC facility is still an area of deep concern, whereas the Hon'ble Courts are not appreciating the difficulties being faced and hapless FAOs are finding themselves at the receiving end.

(xi) Shortcoming of the ITBA system, be it the speed of the system, be it the poorly performing functionalities or ever-changing assignments of cases from FAO to JAO and vice versa or always changing whatsapp only instructions etc. are making the life of the FAOs as well as the JAOs nightmarish.

(xii) Functioning of FAS is so poorly conceived that the FAOs have to work on multiple portals like ITBA, Insight, CPC 2.0 etc. at the same time, but have to log in separately and some of those portals cannot be operated on the same device simultaneously.

(xiii) Multiple charge holders are still allowed to open only a single window merely citing security reason, but the practical difficulties being faced are not at all addressed. As no promotion has taken place for last 3 years to the grade of ACIT in last 4 years holding of additional charge(s) becomes a norm.

(xiv) Helpdesk is not able to solve any problem now. They are closing the complaints without giving any solution.

Some of the practical problems being faced by the FAOs are reported above, which are only indicative in nature and each of the problems have the potential to disrupt even the most serious efforts to complete the time barring cases.

3. The Jurisdictional Assessing Officers (JAOs) are facing serious problems some of which are as under :-

(i) Due to merger of Wards and Circles, JAOs are overburdened with several works after Covid-19 pandemic as all offices were not fully functional from last two years. In corporate charge, six Circles and one Special Range have been merged and workload has increased with AC/DC at least ten times whereas strength of manpower is same. For ITOs, two and more charges have been merged and staffs are same and in most of charge there are no inspectors. ITBA can be used in single computer. Delegation functionality of ITBA is not active due to non-having RSA taken with Staff.

(ii) Conditions of records are not good due to merger of many charges to one charge. FAOs are seeking information from JAO through uploading of information. Record keeping agency are not able to provide records in time. Old records are missing and FAOs are issuing so cause notice to JAOs. JAOs are highly engaged in arranging old records and uploading the same in ITBA. Staffs are also helpless as one user can do one work at the same time.

(iii) JAOs are overburdened with writ petitions against notice issued u/s 148 last year and the same are being filed continuously.

(iv) Section 148 cases are still showing in the worklist of JAOs showing pendency and TB on 31.03.2023 by ITBA whereas actual TB is 31.03.22. No clarity over the same yet.

(v) Recently instructions for uploading of information in VRU was issued but no clarity was there as to which information to be uploaded in VRU. Functionality for uploading of information in VRS has been closed whereas several information was not uploaded due to non-verification of information. There is no clarity regarding information received by the JAO after 01.04.2019 from Wing. Further, what is the risk parameter is not clear to JAOs and several information is not flagged in insight. There is no clarity what is to be done with the information received after closure of Insight VRU utility and what will be the fate of information to be received in March.

(vi) In the new provisions of section 148 and instructions of insight, there are so many confusions regarding selection of cases.

(vii) In many cases flagged in insight, information of assessee in covering is different from information in attached files. How this was taken as per risk parameter is not known.

(viii) In several cases, in the information sheet there is one FY mentioned but in the details, several FYs are mentioned. As per functionality and new provisions of the Act, only one FY can be taken for 148 which are being shown in the insight summary. No clarity over this crucial issue.

(ix) Several cases uploaded in insight was not flagged and JAOs are in confusion what to be done in those cases.

- (x) No clarity over NMS cases in insight as they are not in the definition of flagged cases.
- (xi) What is the risk parameter for flagging of cases in insight must be known to JAOs as most of valuable information may be missed by the team. Even it is found that in few cases details of assessee are different as reported in insight home page and it is surprising how those cases were flagged.
- (xii) Procedure of 148A is just like completing scrutiny and this is time taking. It seems after selection of case, only computation and demand notice to be issued as everything is done during the procedure of 148A.
- (xiii) Board is itself not clear about the procedure and therefore several instructions and SOPs are being issued on different occasions and handling of huge numbers of instructions and SOPs is very challenging.
- (xiv) There is no coordination with System and Board and provisions of Act due to which writ petitions are increasing day by day.
- (xv) JAOs are facing technical glitches everyday and due to technical issues are not able to complete their time barring issues as everything is on System now. This can easily be found from the Data from System. Several incidents are being closed without resolution and work is being badly affected.
- (xvi) All the action spelt out in section 148A before reopening of a case is not possible to complete before 31st March as the information through INSIGHT was received only in the last week February, 2022. JAOs are stretched with transfer of assessment, Penalty, uploading of information etc from FAO and now it is an additional burden for which atleast 30 days more time is required. Extension in the case of 148A matter atleast upto 30.06.2022 is necessary.
- (xvii) To the different offices like investigation wing where information has been pushed for verification very late, in such cases it was not practically possible to verify and upload the information by 21.02.2022 and it is likely that all the required cases could not have been uploaded.
- (xviii) Large number of penalty and assessment cases have been pushed back to JAO from FAO recently. Now less than 30 days time is left, which is quite insufficient to complete the requisite actions as per the SOPs.
- (xix) The JAOs have to deal with numerous queries and requests to upload the documents as required by FAOs. For completing this work sizeable part of working hours is consumed.
- (xx) The higher authorities are keeping on asking repetitive daily and weekly reports which they too have in their possession, thereby increasing the workload already piled up.

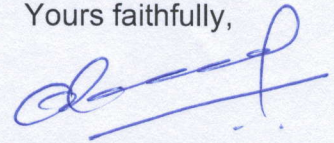
We, therefore, urge to kindly instruct your subordinate officers not to call for unnecessary reports from the AOs during this period and avoid giving any artificial timelines.

4. AOs should not held responsible for any matter gets barred by limitation as the authorities have failed to redress the issues raised time to time and even CBDT is confused over the new provisions and issuing clarifications, notifications and number of SOPs even at fag end resulting in litigation and it's workload on JAOs.

5. Therefore, it is high-time to impress upon the Board to extend the time barring dates for completion of assessments at least to 30.06.2022, especially when the Apex Court vide its order dated 10.01.2022 has suo moto taken cognizance of the difficulties faced by the assesseees and extended the due dates for various proceedings of the Act. Also, the Board vide its order u/s 119 dated 11.01.2022 has extended the due dates of filing returns/audit reports.

Hoping for timely intervention.

Yours faithfully,



(Rajiv Ratan Singh)
General Secretary

Copy to the Secretary General, ITGOA, CHQ, New Delhi for information and necessary action.