

## Rule 12

### Return of income and return of fringe benefits

12. (1) The return of income required to be furnished under sub-section (1) or sub-section (3) or sub-section (4A) or sub-section (4B) or sub-section (4C) or sub-section (4D) of section 139 or clause (i) of sub-section (1) of section 142 or sub-section (1) of section 148 or section 153A relating to the assessment year commencing on the 1<sup>st</sup> day of April, 2014 shall, -

“(a) in the case of a person being an individual where the total income includes income chargeable to income tax, under the head,-

(i) “Salaries” or income in the nature of family pension as defined in the Explanation to clause (ia) of section 57; or

(ii) “Income from house property”, where assessee does not own more than one house property and does not have any brought forward loss under the head; or

(iii) “Income from other sources”, except winnings from lottery or income from race horses and does not have any loss under the head, be in Form SAHAJ (ITR-I) and be verified in the manner indicated therein;

Provided that the provisions of this clause shall not apply to a person who,-

(I) is a resident, other than not ordinarily resident in India within the meaning of sub-section (6) of section 6 and has, —

(i) assets (including financial interest in any entity) located outside India; or

(ii) signing authority in any account located outside India.

(II) has claimed any relief of tax under section 90 or 90A or deduction of tax under section 91; or

(III) has income not chargeable to tax, exceeding five thousand rupees.

(b) in the case of a person being an individual [not being an individual to whom clause (a) applies] or a Hindu Undivided family where the total income does not include any income chargeable to income-tax under the head “Profits or gains of business or profession”, be in Form No. ITR-2 and be verified in the manner indicated therein;

(c) in the case of a person being an individual or a Hindu Undivided family who is a partner in a firm and where income chargeable to income-tax under the head “Profits or gains of business or profession” does not include any income except the income by way of any interest, salary, bonus, commission or remuneration, by whatever name called, due to, or received by him from such firm, be in Form No. ITR-3 and be verified in the manner indicated therein.

(ca) in the case of a person being an individual or a Hindu undivided family deriving business income and such income is computed in accordance with special provisions, referred to in section 44AD and section 44AE of the Act for computation of business income be in Form SUGAM (ITR-4S) and be verified in the manner indicated therein

Provided that the provisions of this clause shall not apply to a person who,-

(I) is a resident, other than not ordinarily resident in India within the meaning of sub-section (6) of section 6 and has, —

- (i) assets (including financial interest in any entity) located outside India; or
- (ii) signing authority in any account located outside India.

(II) has claimed any relief of tax under section 90 or 90A or deduction of tax under section 91; or

(III) has income not chargeable to tax, exceeding five thousand rupees.

(d) in the case of a person being an individual or a Hindu Undivided family other than the individual or Hindu Undivided family referred to in clause (a) or clause (b) or clause (c) or clause (ca) and deriving income from a proprietary business or profession, be in Form No. ITR-4 and be verified in the manner indicated therein;

(e) in the case of a person not being an individual or a Hindu Undivided family or a company or a person to which clause (g) applies, be in Form No. ITR-5 and be verified in the manner indicated therein;

(f) in the case of a company not being a company to which clause (g) applies, be in Form No. ITR-6 and be verified in the manner indicated therein;

(g) In the case of a person including a company whether or not registered under section 25 of the Companies Act, 1956 (1 of 1956), required to file a return under sub-section (4A) or sub-section (4B) or sub-section (4C) or sub-section (4D) of section 139, be in Form No. ITR-7 and be verified in the manner indicated therein;

(2) The return of income required to be furnished in Form SAHAJ (ITR-1) or Form No. ITR-2 or Form No. ITR -3 or Form SUGAM (ITR-4S) or Form No. ITR -4 or Form No. ITR-5 or Form No. ITR -6 [or Form No. ITR-7] shall not be accompanied by a statement showing the computation of the tax payable on the basis of the return, or proof of the tax, if any, claimed to have been deducted or collected at source or the advance tax or tax on self-assessment, if any, claimed to have been paid or any document or copy of any account or form or report of audit required to be attached with the return of income under any of the provisions of the Act.

[Provided that where an assessee is required to furnish a report of audit specified under sub-clause (iv), (v), (vi) or (via) of clause (23C) of section 10, section 10A, section 10AA, clause (b) of sub-section (1) of section 12A, section 44AB, section 44DA, section 50B, section 80-IA, section 80-IB, section 80-IC, section 80-ID, section 80JJAA, section 80LA, section 92E, section 115JB or section 115VW [or to give a notice under clause (a) of sub-section (2) of section 11] of the Act, he shall furnish the same electronically.]

(3) The return of income referred to in sub-rule (1) may be furnished in any of the following manners, namely:-

(i) furnishing the return in a paper form;

(ii) furnishing the return electronically under digital signature;

(iii) transmitting the data in the return electronically and thereafter submitting the verification of the return in Form ITR-V;

(iv) furnishing a bar-coded return in a paper form:

Provided that –

(a) a person, other than a company and a person required to furnish the return in Form ITR-7, if his or its total income, or the total income in respect of which he is or it is assessable under the Act during the previous year, exceeds five lakh rupees, shall furnish the return for the assessment year 2013-14 and subsequent assessment years in the manner specified in clause (ii) or clause (iii);

(aa) an individual or a Hindu undivided family, being a resident, [ other than not ordinarily resident in India within the meaning of sub-section (6)\* of section 6 ] having assets (including financial interest in any entity) located outside India or signing authority in any account located outside India and required to furnish the return in Form ITR-2 or ITR-3 or ITR-4, as the case may be, shall furnish the return for assessment year 2012-13 and subsequent assessment years in the manner specified in clause (ii) or clause (iii);

(aaa) a firm required to furnish the return in Form ITR-5 or an individual or Hindu Undivided Family (HUF) required to furnish the return in Form ITR-4 and to whom provisions of section 44AB are applicable, shall furnish the return for assessment year 2011-12 and subsequent assessment years in the manner specified in clause (ii)

(aab) a person claiming any relief of tax under section 90 or 90A or deduction of tax under section 91 of the Act, other than a person to whom clause (aaa) or clause (ab) is applicable, shall furnish the return for assessment year 2013-14 and subsequent assessment years in the manner specified in clause (ii) or clause (iii)

“(aac) a person required to furnish the return in Form ITR-5, other than a firm to which clause (aaa) is applicable, shall furnish the return for the assessment year 2014-15 and subsequent assessment years in the manner specified in clause (ii) or clause (iii);

(ab) a company required to furnish the return in Form ITR-6 shall furnish the return for assessment year 2010-11 and subsequent assessment years in the manner specified in clause (ii);

(b) a person required to furnish the return in Form ITR-7 shall furnish the return for assessment year 2014-15 and subsequent assessment years,-

(A) in case it is furnished under sub-section (4B) of section 139, in the manner specified in clause (ii);

(B) in other cases, in the manner specified in clause (i) or clause (ii) or clause (iii):

[Provided further that a person who is required to furnish any report of audit referred to in proviso to sub-rule (2) electronically, other than a person to whom clause (aaa) or clause (ab) of the first proviso is applicable, shall furnish the return, in Form as applicable to him, in the manner specified in clause (ii) or clause (iii).]

(4) The Director-General of Income-tax (Systems) shall specify the procedures, formats and standards for ensuring secure capture and transmission of data and shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to furnishing the returns in the manners specified in clauses (ii), (iii) and (iv) of sub-rule (3) and the report of audit or notice in the manner specified in proviso to sub-rule (2).

(5) Where a return of income, relates to the assessment year commencing on the 1<sup>st</sup> day of April, 2013 or any earlier assessment year, it shall be furnished in the appropriate form as applicable in that assessment year.