

PART III

ASSESSMENT PROCEDURE⁸⁷⁸⁸[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 or the return of fringe benefits required to be furnished under sub-section (1) or sub-section (2) of section 115WD relating to the assessment year commencing⁸⁹[on the 1st day of April, ⁹⁰[2010]] shall.

^{90a}(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, be in Form SARAL-II (ITR-1) and be verified in the manner indicated therein;

(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;

(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) 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;

(h) in the case of a person who is not required to furnish the return of income but is required to furnish the return of fringe benefits, be in Form No. ITR-8 and be verified in the manner indicated therein.

(2) The return of income and return of fringe benefits required to be furnished in ^{90b}[Form SARAL-II (ITR-1)] or Form No. ITR-2 or Form No. ITR-3 or Form No. ITR-4 or Form No. ITR-5 or Form No. ITR-6 or Form No. ITR-8 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 or the return of fringe benefits under any of the provisions of the Act.

(3) The return of income or return of fringe benefits 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 —

^{90c}[(a) a firm required to furnish the return in Form ITR-5 and to whom provisions of section 44AB are applicable shall furnish the return in the manner specified in clause (ii) or clause (iii);

(aa) an individual or 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 2010-11 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 in the manner specified in clause (i).

(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).

(5) Where a return of income or return of fringe benefits, relates to the assessment year commencing on the 1st day of April, ⁹¹[2009] or any earlier assessment year, it shall be furnished in the appropriate form as applicable in that assessment year.]