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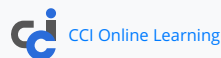
TDS credit in 26AS in subsequent year

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Riya Jain 14 October 2019

Suppose a person was required to deduct TDS on a transaction but he didn't do so and paid the full amount to deductee. On receiving a notice from ITD (after return filing date), he pays that amount & gets the amount reimbursed from deductee. Will the deductee get credit of such TDS amount in 26 AS in subsequent year? Will section 234E apply here?



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parvind bagri 14 October 2019

TDS statement is required to be filed for giving credit to the deductee..
234E will be charged if original was not filed within due date..
if original was filed, the same can be revised now, then 234E will not be charged now

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In subsequent year deductee will not get credit. however he has to revise the return for the period which he has got the tds credit



•• CA Dhruva Kalamnaji (Chartered Accountant) [14 October 2019](#)

In subsequent year deductee will not get credit. however he has to revise the return for the period which he has got the tds credit



•• sabyasachi mukherjee [15 October 2019](#)

Mr.Bagri once he has not filed TDS OF EARLIER YEARS.
THERE IS NO POINT IN FILING BELATED RETURNS AND COMPLICATING THE ISSUE.
HOWEVER IN FUTURE IF THERE IS A CONTINUATION OF EARLIER CONTRACT THEN YOU HV TO CONVINCHE HIM OR CAN ASK FOR FOR THE ITR ACKNOWLEDGEMENT.
BUT HE MAY NOT AGREE.
RIYA HOPE I HAVE CLARIFIED EVERYTHING.



•• parvind bagri [15 October 2019](#)

Forgot to mention that TDS credit can be given only in the year to which the transaction relates, not in the subsequent year. If the corresponding deductee has offered corresponding receipts for taxation, then a CA has to certify and issue necessary certificate. In such a case, the deductor will have to pay interest 201(1A) for the period from date of transaction to date of filing of ITR by the deductee, only then the deductor will not be treated as assessee in default.



•• Kapadia Pravin [16 October 2019](#)

There is a lapse in TDS deduction.

Meantime both deductor and deductee had filed returns.

Deductee must have paid Adv Tax / SA Tax (in the absence of TDS) alongwith interest before filing return.

So if deductor shows the proof of having considered the transaction and payment of tax by the the deductee, the ITD



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proceeding might be dropped as there is no loss of revenue to the Govt.

I think it's amazing to deduct and pay TDS after ITD notice.

ITD may levy penalty on deductor for non-deduction of TDS but when deductee already taken care of taxes, the ITD may take a lenient view.

There are many case laws in favour of the assessee deductor.

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