

F.No.173/32/2022-ITA-1
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

New Delhi, the 17th March, 2022

Sub: Condonation of delay under section 119(2)(b) of the Income-tax Act, 1961 in filing of Form 10-IC for Assessment Year 2020-21– Reg.

Section 115BAA of the Income-tax Act, 1961 (the Act) was inserted by the Taxation Laws (Amendment) Act, 2019 w.e.f. 01.04.2020. As per the Section, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person be computed at the rate of twenty-two per cent subject to satisfaction of conditions contained in sub-section(2) of the Section.

1.2 As per subsection (5) of section 115 BAA of the Act read with Rule 21AE of the Income-tax Rules, 1962 (the Rules), the assessee company is required to submit Form 10- IC electronically on or before the due date of filing of return of income u/s 139(1) of the Act and such option once exercised shall apply to subsequent assessment years.

1.3 Failure to furnish such option in the prescribed form on or before the due date specified u/s 139(1) of the Act results in denial of concessional rate of tax of twenty-two per cent to such person.

2. Representations have been received by the Board stating that Form 10-IC could not be filed along with the return of income for AY 2020-21, which was **the first year of filing of this form**. It has been requested that the delay in filing of Form 10-IC may be condoned.

3. On consideration of the matter, with a view to avoid genuine hardship to the domestic companies in exercising the option u/s 115BAA of the Act, the Central Board of Direct Taxes, in exercise of the powers conferred under section 119(2)(b) of the Act, hereby directs that:-

The delay in filing of Form 10-IC as per Rule 21AE of the Rules for the previous year relevant to A.Y 2020-21 is condoned in cases where the following conditions are satisfied:

- i) The return of income for AY 2020-21 has been filed on or before the due date specified under section 139(1) of the Act;
- ii) The assessee company has opted for taxation u/s 115BAA of the Act in (e) of "Filing Status" in "Part A-GEN" of the Form of Return of Income ITR-6 and
- iii) Form 10-IC is filed electronically on or before 30.06.2022 or 3 months from the end of the month in which this Circular is issued, whichever is later.


(Sourabh Jain) 17/01/2022

Under Secretary (ITA-1)

Copy to:-

1. PS to FM/OSD to FM/PS to MoS (R) /OSD to MoS (R)
2. PPS to Secretary(Revenue)
3. The Chairman, CBDT & All Members, CBDT
4. All Pr. Chief Commissioners Of Income-tax/Pr. Director General of Income-tax.
5. Pr. Chief Controller of Accounts, New Delhi
6. All Joint Secretaries/CsIT, CBDT
7. CIT(M&TP), CBDT and Official spokesperson of CBDT.
8. The Additional Director General (PR & PP), New Delhi.
9. Addl. CIT, Data-Base Cell – for placing it on www.irs-officersonline.gov.in
10. Web Manager, O/o Pr.DGIT(Systems) with request to upload on the departmental website.
11. The Guard File.


(Sourabh Jain) 17/01/2022

Under Secretary (ITA-1)