

CBDT CIRCULAR NO- 01/2012

F.No. 276/34/2011-JT(B)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes.

New Delhi, the 9th April, 2012.

Issuance of TDS Certificates in Form No. 16A downloaded from TIN website - Circular under section 119 of the Income-tax Act 1961.

1. Section 203 of the Income-tax Act 1961 ("the Act") read with the Rule 31 of the Income-tax Rules 1962 ("the Rules") provides for furnishing of certificate of tax deduction at source (TDS) by the deductor to the deductee specifying therein the prescribed particulars like amount of TDS, permanent account number (PAN), tax deduction and collection account number (TAN), etc. The relevant form for such TDS certificate is Form No. 16 in case of deduction under section 192 and Form No. 16A for deduction under any other provisions of Chapter XVII-B of the Act. TDS certificate in Form No. 16 is to be issued annually whereas TDS certificate in Form No. 16A is to be issued quarterly.

2. For deduction of tax at source made on or after 01.04.2011, Circular No. 03/2011 dated 13.06.2011 stipulated mandatory issue of TDS certificate in Form No. 16A generated through TIN Central System and which is downloaded from the TIN website (www.tin-nsdl.com) with the unique TDS certificate number in cases of company including a banking company to which the Banking Regulation Act, 1949 applies and any bank or banking institution, referred to in section 51 of that Act or a cooperative society engaged in carrying the business of banking. For other deductors, such stipulation was optional. Moreover, pursuant to the issue of the said circular, a deductor issuing Form No. 16A generated through TIN Central System and which is downloaded from the TIN website had an option to authenticate such TDS certificate by using digital signature.

3. With a view to further strengthen the administration of the issue of TDS and for proper administration of the Act the Board have, in exercise of powers under section 119 of the Act, decided the following:-

4.1 ISSUE OF TDS CERTIFICATE IN FORM NO. 16A

(I) **For deduction of tax at source made on or after 01.04.2012:** All deductors (including government deductors who deposit TDS in the Central Government Account through book entry) shall issue TDS certificate in Form No. 16A generated through TIN central system and which is downloaded from the TIN website with a unique TDS certificate number in respect of all sums deducted on or after the 1st day of April, 2012 under any of the provisions of Chapter-XVII-B other than section 192.

In other words, the issuance of duly verified TDS certificate in Form No. 16A, by the deductor of any category shall henceforth be only through TIN Central System. The deductor shall therefore, download such certificate from the TIN Central System, verify the correctness of the contents mentioned therein and authenticate the correctness of the contents before issue of the said certificate.

(II) **For deduction of tax at source made between 01.04.2011 to 31.03.2012:** The stipulation prescribed in para 4.1 of the Circular No. 3/2011 dated 13.06.2011 shall continue to apply.

4.2 AUTHENTICATION OF TDS CERTIFICATE IN FORM NO. 16A

(i) The deductor, issuing the TDS certificate in Form No.16A by downloading from the TIN website shall authenticate such TDS certificate by either using digital signature or manual signature.

(ii) Where the deduction has been done between 1st April, 2011 and 31st March, 2012 and the deductor being other than a company/ bank or banking institution/ a cooperative society engaged in carrying the business of banking and who do not issue the TDS Certificate in Form No.16A by downloading from the TIN website shall authenticate such TDS certificate in Form No.16A by manual signature only.

5 The Director General of Income-tax (Systems) shall specify the procedure, formats and standards for the purpose of issuance of TDS certificate in Form No.16A which is downloaded from the TIN website and shall be responsible for the day-to-day administration in relation to the procedure, formats and standards for issuance of TDS certificate in Form No.16A in electronic form.

6. It is further clarified that TDS certificate issued in Form No. 16A by the deductors in terms of para 4.1 read with para 4.2 above and in accordance with this circular alongwith procedure, format and standards specified by the Director General of Income-tax (Systems) shall only be treated as a valid TDS certificate in Form No. 16A for the purpose of section 203 of the Act read with Rule 31 of the Rules.

7. Hindi version shall follow.


(Tajbir Singh)
Under Secretary (Budget)

To

All Chief Commissioner of Income-Tax (CCA)
All CIT (TDS)
All DGIT's
All Divisions of CBDT up to Under Secretary.