



Global Business Tax Alert Sharp Insights

Procedure simplified for grant of refund of wealth tax on account of retrospective amendment excluding 'agricultural land' from 'Urban Land'.

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Background

- As per Explanation 1(b) to section 2(ea)(v) of the Wealth Tax Act, 1957 (the Act), the term 'urban land' included agricultural land situated in the urban area and hence agricultural land formed part of assets chargeable to wealth-tax.
- Explanation (1)(b) was amended vide Finance Act 2013 retrospectively from 1.04.1993 clarifying that the term "urban land" did not include land classified as agricultural land in the records of the Government and used for agricultural purposes.
- The assesses who had paid wealth tax on agricultural land situated in urban area, in accordance with provisions of section 2(ea)(v) read with Explanation 1(b), prior to the said amendment, wanted to seek refund in view of retrospective amendment.
- However the time limit for filing revised return or application for rectification for the purpose of claiming the refund had expired.

Circular by CBDT

- CBDT has attempted to avoid hardships to taxpayer with respect to admission/disposal of applications¹ filed for claiming refund in view of the retrospective amendment to Explanation (1)(b) to section 2(ea)(v) of the Wealth tax Act, 1957, after the expiry of the time limit for filing such applications, by authorizing / directing the Principal Commissioners/ Commissioners of Wealth Tax, on below lines:
 - to admit assessee's application claiming refund and decide it on merits,
 - to dispose such applications within one year from the end of the financial year in which the application is received from the assessee,
 - while disposing the application, any order previously passed should not be set aside.
 - while disposing the application, the authorities can call for a report from the assessing officer and seek relevant information from the assessee
 - If the order disposing the application, results in refund, then the assessee shall be entitled to interest on such refund at the rate specified in the Act.

¹ Section 25 of the Wealth Tax Act, 1957 deals with Power of Commissioner to revise orders of subordinate authorities.

- The application claiming refund should be filed by the assessee within one year from 11 June 2015 i.e., date of issue of CBDT Circular.

Comments

The CBDT Circular is expected to introduce and simplify the procedure for claiming refund arising in view of the retrospective amendment, thereby demonstrating a tax friendly environment.

Source: CBDT Circular No.11/2015 dated 11 June 2015 – Order under section 10(2)(B) of the Wealth Tax Act

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Contacts

Ahmedabad

Heritage, 3rd Floor,
Near Gujarat Vidyapith,
Off Ashram Road,
Ahmedabad – 380 014.
Tel: + 91 (079) 2758 2542
Fax: + 91 (079) 2758 2551

Bangalore

Deloitte Centre, Anchorage II,
100/2, Richmond Road,
Bangalore 560 025.
Tel: +91 (080) 6627 6000
Fax: +91 (080) 6627 6010

Chennai

No.52, Venkatanarayana Road,
7th Floor, ASV N Ramana Tower,
T-Nagar,
Chennai 600 017.
Tel: +91 (044) 6688 5000
Fax: +91 (044) 6688 5050

Coimbatore

Shanmugha Manram
41, Race Course,
Coimbatore
Tamil Nadu - 641018
Tel: + 91 (0422) 439 2801
Fax: +91 (0422) 222 3615

Delhi/Gurgaon

Building 10,
Tower B, 7th Floor,
DLF Cyber City,
Gurgaon 122 002
Tel : +91 (0124) 679 2000
Fax : + 91 (0124) 679 2012

Hyderabad

1-8-384 and 385, 3rd Floor,
Gowra Grand S.P.Road,
Begumpet,
Secunderabad – 500 003.
Tel: +91 (040) 6603 2600
Fax: +91 (040) 6603 2714

Kolkata

Bengal Intelligent Park Building Alpha,
1st floor, Block EP and GP Sector V,
Salt Lake Electronics Complex,
Kolkata - 700 091.
Tel : + 91 (033) 6612 1000
Fax : + 91 (033) 6612 1001

Mumbai

Indiabulls Finance Centre,
Tower 3, 28th Floor,
Elphinstone Mill Compound,
Senapati Bapat Marg, Elphinstone (W),
Mumbai – 400013
Tel: + 91 (022) 6185 4000
Fax: + 91 (022) 6185 4101

Pune

106, B-Wing, 7th Floor,
ICC Trade Tower,
Senapati Bapat Road,
Pune – 411 016.
Tel: + 91 (020) 6624 4600
Fax: +91 (020) 6624 4605

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