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DIRECT TAX

TDS/TCS Charts

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www www → Applicability of 150/15H (except company) firm
 E1 N2 R10

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B Sec 192 → Salaries & Relief (s 89(1))
 101. Sec 192A → Accumulated balance of PF 50,000

T 101. Sec 193 → Int on Securities 5000
 101. Sec 194 → Int other than Int on Securities 40,000/Sec
 Sec 194 → Dividend

M Sec 194B → Crossword/Rosette/Lottery 10,000
 Sec 194B → Horse Race 10,000

C R 194D → Insurance Commission 15000
 S.I. RNR 194G → Lottery Commission 15000
 194H → Other Commission/Brokerage 15000

R 81/10/1941 → Rent 240,000
 51. 1941B → Rent by certain Ind/HUF 50,000 pm

I 1. 1941A → Payment on Transfer of IP (other than rural agr. land) ≥ 50 lakh
 101. 1941A → Payment of comp on compulsory acq. of IP (other than rural) 250,000

O 11. 21. 194C → Contractor 30,000/100,000
 101. 1941C → Specific Agreement (s 15A) NA
 101. 1945 → Professional Fee 30,000

11. 51. 194DA → Payment in respect of life insurance Policy 100,000
 Kaper (Sec 10(10D))

Sec 194M → > 50 lakh payment
 Suspense A/c Ind/HUF
 194M
 During the year
 DATE
 If Foreign branch of Ind/HUF
 Sec 197 not app.

101. ✓
 ✓
 ✓

101. ✓
 ✓

✓
 ✓ (194M)
 ✓

✓
 ✓ (months)
 ✓

11/10
 ✓

11/2 ✓ (194M)
 10 ✓ (194M)
 ✓

✓ (194M)
 ✓

192 → Tips paid by hotel to employees that are received by customer → No TDS (ITE Ltd. v. CIT)

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Sec 193

Payer	Type of Security	Remarks
Listed Co.	Debentured	TDS → @ 10% Limit → 5000 Payee → Ind/HUF
	Demat Unlisted	
	Physical Unlisted	
	Physical Listed	
Unlisted Co.	Any Security	No TDS Payee → Anyone
	Demat Listed	
Unlisted Co.	Other Securities	TDS @ 10% No limit of 5000 Payee → Anyone
	Government	7.75% Saving Bond 2018 → TDS @ 10% Any other security → No TDS
Any payer	Payee is insurance co.	No TDS

Sec 194A

No TDS if

- Payee is
 - banking co.
 - Co-operative bank
 - financial corp.
 - UC
 - UTI
 - Payments system co. authorised by RBI
- When payee is either
 - bank listed in second schedule of RBI Act (exc. foreign co.)
 - payments system co.
- and payments are in the nature of
 - bank guarantee comm.
 - cash mgmt service
 - warehouseing
 - clearing
 - deposits by chq.
 - underwriting
 - credit card/debit card

Payments to Ind/HUF - 1% } Limit
 - Payments to other than Ind/HUF - 2% } (> 30,000)
 (Aggregate > 100,000)

** Payments to person carrying business of plying, hiring, leasing goods carriages (owns ~~10 or less~~ carriages) → No TDS (if ded. + PAN)

TDS u/s 194C

Gas Tax/Postation Charges - Paid to owner → No TDS
 - Paid to 3rd party → TDS ✓ transporter

Hiring dumpers → TDS u/s 194C (Shree Mahalaxmi Transport Co.)

Services by Hotel → No TDS u/s 194C (East India Hotels Ltd.)

Sec 194C (Defⁿ of Work)

- (i) Advertising
- (ii) broadcasting / telecasting
- (iii) carriage of goods / passengers (other than by Railways)
- (iv) catering
- (v) mfg / supplying a product as per requirement of customer

Material taken from such customer

Material taken from person other than such customer

if material separately indicated in invoice

Material not indicated separately

Sec 194C X

TDS on invoice value exc Material

TDS on Invoice Value

Sec 194H → Other Commission/Brokerage

Payer	Payee	Remarks
<ul style="list-style-type: none"> • Ind/HUF • BSNL/MTNL 	Anyone Public Call office Franchisee	only if limit u/s 44AB crossed No TDS
<ul style="list-style-type: none"> • TV channels/ Newspapers 	Advt Agencies	No TDS
<ul style="list-style-type: none"> • Client • Broadcasters 	TV channels/NP Production House	TDS u/s 194C TDS u/s 194C (if as per specifications of broadcasters)
<ul style="list-style-type: none"> • Airlines • Telecom Co. 	Air Travel Agent Distributors on SIM cards	TDS u/s 194H TDS u/s 194H (Vodafone Essar Cellular Ltd.)
<ul style="list-style-type: none"> • Manufacturers 	Distributors or Stockists	No TDS (Internet India P Ltd.)

→ Comm/Brok → does not include comm/brok in case of securities but includes comm/brok on commodities

→ Comm to employees → covered u/s 192

Sec 194 I - Rent

Payer	Payee	Remarks
• Ind/HUF	Anyone	only if sec 194A blind crossed
• Anyone	REIT	No TDS
• Airlines	AAI	
	• Landing & Parking Chgs	TDS u/s 194C (Japan Airlines 1997)
	• Passenger Serv'ce fee	No TDS u/s 194I
• Tenant	<u>Owner</u>	
	• Non Refundable Dep.	TDS u/s 194I
	• Refundable Dep	No TDS
	• Adjustable Security deposit at the end of lease period	TDS u/s 194I (at the time of adjustment)
	• Advance Rent	TDS u/s 194I
• Anyone	Warehousing Chgs	TDS u/s 194I
• Anyone	Hotels (Regular Base)	TDS u/s 194I
	Hotels (Rate contract)	No TDS
• Customers	Cold Storage Owners (Cooling Charges)	TDS u/s 194C
• Telecom Operators	Telecom Towers & Infra Services	TDS u/s 194I (Indus Towers Ltd.)

- TDS @ 2% → Rent of P&M
- TDS @ 10% → Rent of L&B / furniture
- if municipal tax borne by tenant → No TDS

if $Tol/GR > \text{Limit}/\text{u/s 44AB} \rightarrow \text{TDS u/s 194E}$

Sec 1941B

Ind/HUF
paying rent

Other Cases \rightarrow TDS u/s 1941B

TDS @ 5%

Limit \rightarrow 50,000 per month

Time \rightarrow At the time of credit (last month of
or py or last month of tenancy)

At the time of payment
(earlier)

Location of Land & Building is irrelevant

Total TDS cannot exceed last month's
earn.

Sec 194IA & Sec 194LA

TDS on payment
for acquisition of
immovable property
(other than rural
agricultural land)

Compulsory Acquisition \rightarrow TDS @ 10%
Limit $>$ 250,000

if ~~ex~~ exempted u/s 96
of Right to Fair Compens. \rightarrow No TDS
Act 2013

Other 194IA

\rightarrow Location of property doesn't matter.

\rightarrow deduction on every part payment

\rightarrow Total consideration $>$ 50 lakhs

(even if coowners share less than 50 lakhs each)

\rightarrow Classification as Capital Asset/SIT
doesn't matter

If immovable property purchased from (or payment made to)
 Resident → 194IA
 Non Resident → 195

Sec 194J (Fees for Technical/Professional services)

Payer	Payee	Remarks
→ Ind/HUF	Anyone	Only if limit u/s 194AB
→ Anyone	Business of Call	
	Center operation	TDS @ 2%
→ Company	Director sitting fees	TDS @ 10% (No limit)
→ Company	Any payment to director other than covered in Sec 192	TDS @ 10% (No limit)
→ Third Party Administrators	Hospitals	TDS u/s 194J
→ Non Residents	CAs, Lawyers, Advocate, Solicitor	No TDS
→ Members of Stock Exchange	Stock Exchange	No TDS (if payment for common services (Kotak Securities Ltd.))
→ Hospital	Doctor (if patient wise payment)	TDS u/s 194J (Manipal Healthcare System P Ltd.)

Sec 196 No TDS on Int/other sums payable (to)

- Govt
- RBI
- Mutual fund u/s 10(23D)
- Coop. under Central Act exempt from Income Tax

Sec 203A Quote TDS/TCS number →

- (i) Challans u/s 200 & 206C
- (ii) Certificates u/s 203 or 206C
- (iii) periodic statements u/s 200(3) or 206C(3)
- (iv) Returns u/s 206 & 206C
- (v) other documents.

Sec 206AA If PAN not furnished →
TDS is deducted at higher of :-

- (i) specified rate under relevant section
- (ii) at rates in force
- (iii) at 20%

(Not Applicable where deductee is NR)

* Issue of TDS certificate

- Salary (Form 16) → Annual
→ upto 15th June
- Non Salary (Form 16A) → Quarterly
(15 days after due date)

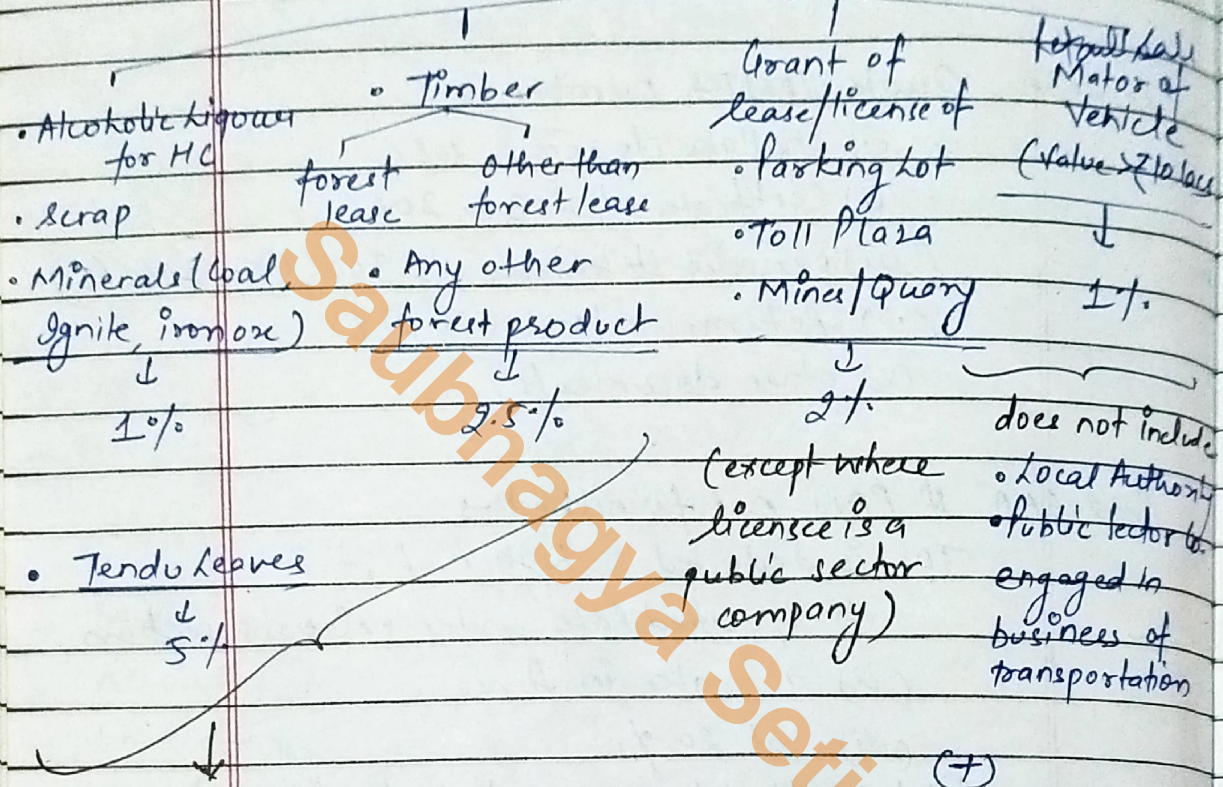
197 → Certificate for deduction at lower rate by AD

198 → Tax deducted is Income received except in case of 192(1A)

TCS u/s 206C

Seller shall → At the time of debiting account, or
→ At the time of receipt

Collect TCS + Surcharge + HEC



→ Does not include purchase by :-

- Public Sector Co.
- Embassy
- Trade Representatives
- C/S/G
- High Commission
- Retail Sale for Personal Consumption
- Legation
- Consulate

→ No TCS if :- → Buyer is Resident AND

- Purchase for the purpose of
 - mfg. processing or producing articles or things, or
 - generation of power

194H
194C

194H
20%

Mx. Rajesh

1200,000
880,000

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→ if PAN not furnished → TCS at higher of 16,000
(i) twice the specified rate
(ii) 5%.

→ If scrap is used as such → No TCS requirement arises (Priya Blue Industries P Ltd.)

→ failure to collect TCS → Assessee in default
Interest u/s 220
Penalty u/s 221

Penalties { 234E → 200/day } 50 lakh
- 271H → 10,000 → 100,000
[No. 271H → TCS/TDS + 234E + Int 201
if quarterly return within one year from expiry

194IA
194C
194H

Treat
Treat as an individual

Individual

TDS only if
Limit is up
are crossed.

Firm

No TDS if
paid to
partner of
firm.

Primary Agri Credit Society

- Primary credit society
- Co-operating land mortgage bank
- Co-operative land develop. bank

NOTDS

Sec 194A Payer

Central Government

NO TDS

Post Office

NO TDS ON

- RD
- Monthly Income
- Kisan Indira Vikas Patika
- NIS

- infra capital fund
- infra capital co.
- public sector co.
- scheduled bank

Int on ECB

NO TDS

Others

- (1) Banker's Co. Bank
- (2) Co-operative Bank
- (3) Senior Citizen Saving A/c
- only on Time deposit
- Senior Citizen Limit = 40000
- for senior citizen = 50,000

(4) Any other case - 5000

Co-operative Society

Bank

On Time deposit

- To Member → TDS ✓ (Limit > 10,000)
- To Non Member → TDS ✓
- To Co-op Perathi Society → NO TDS
- On Savings A/c → NO TDS

Not a bank

on time deposit

- To Member → TDS X
- To Non Member → TDS ✓ (Limit > 5000)
- To Co-operative Society → NO TDS
- On Savings A/c → NO TDS

Motor Accidents Claim Tribunal

When interest is credited

NO TDS

When interest is paid

TDS ✓ (Limit > 50,000)

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