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**GOVERNMENT OF ASSAM  
FINANCE DEPARTMENT  
DISPUR, GUWAHATI-781006**

**OFFICE ORDER**

Dated, Dispur, the 7<sup>th</sup> May, 2019

**No.FTX.32/2011/Pt/90**:- The Chief Commissioner, Income Tax, North Eastern Region, Department of Revenue, Ministry of Finance, Government of India has informed that some touts are trying to allure State Governments employees to claim fraudulent refund out of TDS. These anti national elements are trying to dupe the employees with an impression that they can get monetary gain from their deducted tax amount.

The Income Tax Department has cautioned salaried class taxpayers against inflating deductions while filing their returns, stating violators will be prosecuted and their employers will be intimidated to take action against them.

Any tax evasion by under-reporting of income or inflating deductions or exemptions by salaried taxpayers is a serious offence under Income tax Act. The Income Tax Department has directed that any such attempt aided and abetted by unscrupulous intermediaries have been noted with concern. Such offences are punishable under various penal and prosecution provisions of the Income Tax Act.

The warning has come in the backdrop of the investigation wings of the department, unearthing various rackets of extracting fraudulent tax refunds by employees of some government establishments, in alleged connivance with tax advisors.

Therefore, all the state government employees are hereby strictly advised not to fall prey to false promises or mis-advice by unscrupulous intermediaries and submit wrong claims in their ITRs, which would be treated as cases of tax evasion.

It is further advised that as a salaried person, an employee should not try to tweak his salary components and fall prey to such illegal options of refund. Please be reminded that undue tax claim is not only against national interest but it may bring an employee under the glare of the Income Tax department also. The Income Tax Department possesses an extensive risk analysis system that is aimed at identifying persons who are non-compliant and try to subvert the trust based-system envisioned

while processing of ITRs at the CPC, which is automated and devoid of any human interface.

As salaried persons, state government employees are constantly under scan and surveillance of the department. Payment of Income Tax is a pious duty of an employee that contributes to the nation building process. Employees of state governments are always regarded as a class of high morale and integrity. Any indulgence to touts shall malign the image of such highly regarded class and will give a long rope to frauds to erode the revenue of the nation.

As per Circular issued by Income Tax Department, DDOs have been authorized u/s 192 to allow certain deductions, exemptions or allowances or set-off of certain loss as per the provisions of the Act for the purpose of estimating the income of the assessee or computing the amount of tax deductible under the said section. The evidence /proof /particulars for some of the deductions/exemptions/allowances/set-off of loss claimed by the employee such as rent receipt for claiming deduction in HRA, evidence of interest payments for claiming loss from self-occupied house property, etc. is not available to the DDO. To bring certainty and uniformity in this matter, section 192(2D) provides that person responsible for paying (DDOs) shall obtain from the assessee evidence or proof or particular of claims such as House rent Allowance (where aggregate annual rent exceeds one lakh rupees); Leave Travel Concession or Assistance; Deduction of interest under the head "Income from house property" and deduction under Chapter VI-A as per the prescribed form 12BB laid down by Rule 26C of the Rules.

In this regards, all the DDOs are hereby advised to maintain prudence and probity in allowing the claims of admissible deduction and not to approve without making minute scrutiny as per provisions of Income Tax Act, Rules, relevant notifications, Circulars etc. issued from time to time.

The state government also takes such cases of fraudulent attempts very seriously and in addition to infliction of penal provisions under Income Tax Department, such employees or DDOs may face departmental disciplinary proceeding as per law.

This advisory is aimed at keeping the employees away from the vicious circle of frauds before they get into any stringent penal consequences.

Sd/- Rajib Kumar Bora  
Additional Chief Secretary to the Government of Assam  
Finance Department, Dispur

Memo.No.FTX.32/2011/Pt/90-A

Dated, Dispur, the 7<sup>th</sup> May, 2019

Copy to:-

1. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Commissioner of Taxes, Assam, Kar-Bhawan, Dispur, Guwahtati-6 for information and necessary action.
3. The Joint Commissioner of Income Tax (Vigilance Cell), O/o the Principal Chief Commissioner of Income Tax, NER, Guwahati.
4. S.O. to Chief Secretary to the Govt. of Assam, Dispur, Guwahtati-6.
5. P.S. to Hon'ble Chief Minister, Dispur, Guwahtati-6 for his appraisal.
6. P.S. to Hon'ble Finance Minister, Dispur, Guwahtati-6 for his appraisal.
7. All Administrative Departments.
8. The Under Secretary to the Govt. of Assam, Home (A) Department, with reference to your letter No.HMA.79/2018/461 dtd. 19.1.2019.
9. All Head of Departments.
10. The Director, Accounts and Treasury. He is directed to circulate the same to all the Treasuries.
- ✓ 11. The Joint Secretary to the Govt. of Assam, "e-Governance Unit", Finance Department to upload the same in the Govt. website.

By order etc.,



Deputy Secretary to the Government of Assam,  
Finance (Taxation) Department

