

AMENDMENT IN FORM 3CD  
(AY 2021-22)

## **Amendments in Tax Audit Report**

**Purpose of Rule 6G:** This rule tells about the name of the forms applicable in the case of 44AB Audit and from 1<sup>st</sup> April 2021 sub-rule (3) is inserted.

### **Rule 6G:**

- (1) The report of audit of the accounts of a person required to be furnished under section 44AB shall,—
  - (a) In the case of a person who carries on business or profession and who is required by or under any other law to get his accounts audited, be in **Form No. 3CA**;
  - (b) In the case of a person who carries on business or profession, but not being a person referred to in clause (a), be in **Form No. 3CB**.
- (2) The particulars which are required to be furnished under section 44AB shall be in **Form No. 3CD**.
- (3) The report of audit furnished under this rule may be revised by the person by getting revised report of audit from an accountant, duly signed and verified by such accountant, and furnish it before the end of the relevant assessment year for which the report pertains, if there is payment by such person after furnishing of report under sub-rule (1) and (2) which necessitates recalculation of disallowance under section 40 or section 43B.

### **Crux of Amnedment:**

The purpose of Amendment is that there is time difference of one month in due dates of ITR and Tax Audits. Therefore in some cases 43B payments are done after the tax audits are completed but before filing of return of income & TDS deducted before tax audit completed and deposit after Tax audit completed but before filling of returns. Therefore new sub-rule (3) is inserted.

## **Clause 8(a) Part A of Form 3CD**

### **Before Amendment:**

8	Indicate the relevant clause of section 44AB under which the audit has been conducted		
	Sl No.	Relevant clause of section 44AB under which the audit has been conducted	
	1	Clause 44AB(a)-Total sales/turnover/gross receipts of business exceeding specified limits	
8	a	Whether the assessee has opted for taxation under section 115BA/115BAA/115BAB	No

### **After Amendment:**

**Whether the assessee has opted for taxation under section 115BA/115BAA/115BAB/**115BAC/115BAD**.**

### **Crux of Amendment:**

#### **Section 115BAC (New Regime): Tax on Individuals and HUF**

The new regime is applicable from AY 2021-22 therefore before amendment no such section are there in Clause 8A.

#### **Section 115BAD (New Regime): Tax on certain resident Co-operative societies**

The new regime is applicable from AY 2021-22 therefore before amendment no such section are there in clause 8A.

## Clause 17 Part B of Form 3CD

### Before Amendment:

17	Where any land or building or both is transferred during the previous year for a consideration less than value adopted or assessed or assessable by any authority of a State Government referred to in section 43CA or 50C, please furnish:							
Details of property	Address Line 1	Address Line 2	City/Town	State	Pincode	Consideration received or accrued	Value adopted or assessed or assessable	

### After Amendment:

“17. Where any land or building or both is transferred during the previous year for a consideration less than value adopted or assessed or assessable by any authority of a State Government referred to in section 43CA or 50C, please

Details of property	Consideration received or accrued	Value adopted or assessed or assessable	Whether provisions of second proviso to sub-section (1) of section 43CA or fourth proviso to clause (x) of sub-section (2) of section 56 applicable? [Yes/No]

### Second Proviso to sub-section (1) of section 43CA

‘Provided further that in case of transfer of an asset, being a residential unit, the provisions of this proviso shall have the effect as if for **the words “one hundred and ten per cent.”**, the words **“one hundred and twenty per cent.”** had been substituted, if the following conditions are satisfied, namely:—

- (i) the transfer of such residential unit takes place during the period beginning from the **12th day of November, 2020 and ending on the 30th day of June, 2021**;
- (ii) such transfer is by way of **first time allotment of the residential unit** to any person; and

(iii) the consideration received or accruing as a result of such transfer **does not exceed two crore rupees.**

**Fourth proviso to clause (x) of sub-section (2) of section 56:**

Provided also that in case of property being referred to in the second proviso to sub-section (1) of section 43CA, the provisions of sub-item (ii) of item (B) shall have effect as if for the words “ten per cent.”, the words “twenty per cent.” had been substituted.

Section - 56, Income-tax Act, 1961-2020



- (b) the negotiations do not result in transfer of such capital asset;
- (x) where any person receives, in any previous year, from any person or persons on or after the 1st day of April, 2017,—
- (a) any sum of money, without consideration, the aggregate value of which exceeds fifty thousand rupees, the whole of the aggregate value of such sum;
- (b) any immovable property,—
- (A) without consideration, the stamp duty value of which exceeds fifty thousand rupees, the stamp duty value of such property;
- (B) for a consideration, the stamp duty value of such property as exceeds such consideration, if the amount of such excess is more than the higher of the following amounts, namely:—
- (i) the amount of fifty thousand rupees; and
- (ii) the amount equal to <sup>13</sup>[five] per cent of the consideration:

## **Clause 18**

**Before Amendment:**

18 Particulars of depreciation allowable as per the Income-tax Act, 1961 in respect of each asset or block of assets, as the case may be, in the:-												
Description of Block of Assets/ Class of Assets	Rate of depreciation (In Percent-age)	Open- ing WDV (A)	Adjust- ment to WDV u/s 115BAA	Adjust- ment written down value	Additions					Deduct- ions(C)	Depreciat- ion Allowable (D)	Written Down Value at the end of the year (A+B-C-D)
					Purch- ase Value (1)	MOD- -VAT (2)	Change in Rate of Ex- change (3)	Subsidy/ Grant (4)	Total Value of Purchases (B) (1+2+3+4)			

**After Amendment:**

In clause 18, for sub-clauses (ca) and (cb), the following sub-clauses, shall be substituted namely:-

(ca) Adjustment made to the written down value under section 115BAC/115BAD (for assessment year 2021-2022 only).

(cb) Adjustment made to written down value of Intangible asset due to excluding value of goodwill of a business or profession.

(cc) Adjusted written down value.

## **Clause 32 (a)**

### **Before Amendment:**

32	a	Details of brought forward loss or depreciation allowance, in the following manner, to extent available								
		S.No	Assessment Year	Nature of loss/allowance	Amount as returned	All losses/allowances not allowed under section 115BAA	Amount as adjusted by withdrawal of additional depreciation on account of opting for taxation under section 115BAA (To be filled in for assessment year 2020-21 only)	Amount as assessed	Order U/S and Date	Remarks

### **After Amendment:**

Serial Number	Assessment Year	Nature of loss/allowance (in rupees)	Amount as returned* (in rupees)	All losses/allowances not allowed under section 115BAA/115BAC/115BAD	Amount as adjusted by withdrawal of additional depreciation on account of opting for taxation under section 115BAC/115BAD^	Amounts as assessed (give reference to relevant order)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

\*If the assessed depreciation is less and no appeal pending then take assessed.

^To be filled in for assessment year 2021-2022 only.”:

## **Clause 36**

### **Before Amendment:**

36 In the case of a domestic company, details of tax on distributed profits under section 115-O in the following forms :-							
		S.No	(a) Total amount of distributed profits	(b) Amount of reduction as referred to in section 115-O(1A) (i)	(c) Amount of reduction as referred to in section 115-O(1A) (ii)	(d) Total tax paid thereon	(e) Total tax paid thereon Amount Dates of payment
		Nil					

### **After Amendment:**

Clause 36 omitted

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