


राजस्थान-सरकार
कार्यालय महानिरीक्षक, पंजीयन एवं मुद्रांक विभाग, राज.,
“कर-भवन”, अजमेर

क्रमांक: एफ-7(34)जन/2013/11457-11857 दिनांक : 04.07.13

आयुक्त आयकर (TDS), राजस्थान जयपुर के पत्रांक CIT(TDS)/JPR/2013-14/617-698 दिनांक 05.06.2013 की प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. अतिरिक्त महानिरीक्षक, पंजीयन एवं मुद्रांक विभाग, वित्त-भवन, जयपुर ।
2. वित्तीय सलाहकार, मुख्यालय, अजमेर।
3. उप विधि परामर्शी/सहायक विधि परामर्शी, मुख्यालय, अजमेर।
4. अतिरिक्त कलक्टर (मुद्रांक), जयपुर।
5. समस्त उप महानिरीक्षक, पंजीयन एवं पदेन कलक्टर (मुद्रांक), राजस्थान।
6. मुख्य विधि सहायक कार्यालय उप महानिरीक्षक, पंजीयन एवं पदेन कलक्टर (मुद्रांक), वृत्त-जयपुर/जोधपुर।
7. उप निदेशक (कम्प्युटर) मुख्यालय, अजमेर को परिपत्र की प्रति विभाग की वेबसाईट www.rajstamps.gov.in पर अपलोड कराने हेतु।
8. समस्त उप पंजीयकगण (पूर्णकालीन एवं पदेन), राजस्थान को पालनार्थ।


अतिरिक्त महानिरीक्षक
पंजीयन एवं मुद्रांक विभाग
राजस्थान अजमेर

F-7(34) WJN/2013



सत्यमेव जयते

Government of India
Ministry of finance
Office of the

Commissioner of Income-tax (TDS)

Central Revenue Building, Jaipur - Rajasthan
Ph.: 0141-2385338, 2227499

No. CIT(TDS)/JPR/ 2013-14/617 to 698

Dated: 05.06.2013

To,

The Tehsildar

Office of Sub Registrar of Properties,

Vijaynagar, Kekdi, Deedwana, Degana, Kuchman City, Ladnu, Makrana, Parbatsar, Devli, Uniyara, Laxmangarh, Neemrana, Rajgarh, Raini, Kumher, Kaman, Roopbas, Bijoliya, Jahajpur, Mandal, Mandalgarh, Devgarh, Kapasan, Nimbaheda, Pratapgarh, Amet, Nathdwara, Nokha, Dungargarh, Sardarshahar, Khetri, Nawalgarh, Bhadra, Pili Banga, Suratgarh, Sadul Shar, Sri Karanpur, Fatehpur, Srimadhpor, Ramgarh (Shekhwati), Lalsot, Mahuwa, Chaksu, Jamwa Ramgarh, Kishangarh, Sambhar, DUDU, Bamanwas, Gangapur, Chouhtan, Panchpada, Siwana, Jasol, Pokaran, Bhopalgarh, Faloudi, Tiwari, Jhanwar, Chhabara, Shahbad, Nainwa, Hindoli, Keshoraipatan, Indergarh, Aklera, Pidawa, Sangod, Mandana, Ramganjmandi (Ajmer), Raniwada, Sanchour, Jaitaran Bali (Pali), Pindwara, Shivganj, Kushalgarh, Sagwara, Simalwara, Gogunda, Kherwara, Mawali, and Salumbar.

Sub.: Request regarding monitoring of the TDS provision contained in section 194IA of the IT Act w.e.f. 01.06.2013.

In regard to the above, it is to be mentioned that u/s 195 of the IT Act on transfer of immovable property by a non resident, tax is required to be deducted at source by transferees. However, there was no such requirement of TDS on the transfer of immovable property by a resident except in places of compulsory acquisition of certain properties u/s 194LA of the IT Act. Now, the Finance Act, 2013 has inserted a new section 194IA in the Income-tax Act to introduce TDS on the consideration received on transfer of immovable properties exceeding 50.00 lacs.

U/s 194IA of the IT Act any sum paid by way of consideration for transfer of any immovable property (other than agricultural land) is subjected to deduction of tax at source by the transferee @1% if the consideration is 50.00 lacs or more. Here the word "immovable property" means any land other than "agricultural land" or any building or part of any building. The word agricultural land means agricultural land in India other than a land situated in any urban area referred to

in section 2(14)(iii)(a)/(b) of the IT Act. Every transferee of a property as defined above, at the time of making payment or crediting of any sum as consideration on transfer of such property to resident transferor, shall deduct the tax @1% of such sum. The "payer" is any person, being a transferee, responsible for paying to a resident transferor any sum by way of consideration for transfer of any immovable property specified above. The "payee" is a resident transferor of any immovable property as specified above. The tax shall be deducted at the time of credit of such amount to the account of the transferor or at the time of payment of such sum in cash or by issue of the cheque or draft or by any other mode, whichever is earlier. The word "transfer" has not been defined u/s 194IA of the IT Act hence, the logical conclusion could be that the definition of this word "transfer" in section 2(47) of the IT Act will apply also to section 194IA of the IT Act. But the definition of the word "transfer" in section 2(47) of the IT Act is only in relation to a "capital asset" whereas section 194IA applies irrespective of whether the immovable property in question is a capital asset or not. Therefore, it appears that the word "transfer" used in section 194IA of the IT Act would be understood in terms of the provisions of the Transfer of Property Act, 1882. The term "land or building" used in section 194IA of the IT Act will also include "any interest in land or building" in my opinion and hence, tenancy/ lease rights in a building or a part of it should also be chargeable to TDS at the rates specified, if it is transferred and the consideration exceeds `50.00 lacs. Thus transfer of booking rights in a flat may also be a transfer of land or building or both.

There is a statutory requirement u/s 139A of the IT Act read with rule 114B of the IT Rules to quote Permanent Account Numbers in documents pertaining to transfer of immovable property for consideration of `5.00 lacs or more. The Sub Registrars of the Properties are also required to file an Annual Information Return to the Income-tax department in regard to all the transaction of immovable property where the consideration is `30.00 lacs or more. However, it has been observed that in past the purchasers & sellers of the immovable properties have either not quoted the Permanent Account Number or have quoted a wrong and invalid Permanent Account Number in the documents relating to the transfer of immovable properties. Hence, to strengthen the reporting mechanism of transactions in immovable property and also to collect the tax on them at the earliest point of time this provision of section 194IA of the IT Act has been inserted in the Income-tax Act.

Since, the Sub Registrars of the Properties are already an important point of reference in the mechanism of reporting of the transaction in the real estate sector, they will also remain so in the reporting mechanism for compliance of provisions of section 194IA of the IT Act and they have to ensure that the transferees of any immovable property or part thereof the consideration of which is `50.00 lacs or more, are deducting the TDS @1% of the consideration and are quoting the correct Permanent Account Numbers of themselves as well as the transferors. The transferees of the immovable properties are required to issue a tax deduction certificate as per the provision of section 203 of the IT Act under

form No. 16A prescribed by Rule 31(1)(b) of the IT Rules. Therefore, the Sub Registrar of Properties before registering any transactions in immovable property as specified above should also ensure that the transferees have issued a certificate in this form to the payee in respect of the TDS u/s 194IA of the IT Act. Therefore, they are advised to take a copy of form No. 16A issued by the transferee to the transferor at the time of the registration of the specified properties alongwith a copy of the PAN cards of the transferee and the transferor.

To begin with instead of reporting each and every transaction in immovable property as specified above it is advised that at the end of every month all the transactions undertaken during that month in a immovable property specified as above should be reported to the CIT(TDS), Rajasthan sitting at the Income-tax Office, (Central Revenue Building), Statue Circle, Jaipur - Rajasthan. Your co-operation is solicited as it will help us in enforcing the compliance of the provisions of section 194IA of the IT Act recently inserted by the Finance Act, 2013 w.e.f. 01.06.2013 and also in the augmentation the collection of the revenue by the Government of India which is a sovereign duty of not only the employees of the Government of India but also the employees of the Governments at the State Level.

Yours faithfully,

Sd/-

(P. K. Sharma)

Commissioner of Income-tax (TDS),
Jaipur - Rajasthan.

✓ Copy to:

The Inspector General, Stamp Registration, Ajmer - Rajasthan with a request to enforce the compliance by all the Sub Registrar of Properties in the state of Rajasthan. (Vijaynagar, Kekdi, Deedwana, Degana, Kuchman City, Ladnu, Makrana, Parbatsar, Devli, Uniyara, Laxmangarh, Neemrana, Rajgarh, Raini, Kumher, Kaman, Roopbas, Bijoliya, Jahajpur, Mandal, Mandalgarh, Devgarh, Kapasan, Nimbaheda, Pratapgarh, Amet, Nathdwara, Nokha, Dungargarh, Sardarshahar, Khetri, Nawalgarh, Bhadra, Pili Banga, Suratgarh, Sadul Shar, Sri Karanpur, Fatehpur, Srimadhapur, Ramgarh (Shekhwati), Lalsot, Mahuwa, Chaksu, Jamwa Ramgarh, Kishangarh, Sambhar, DUDU, Bamanwas, Gangapur, Chouhtan, Panchpadra, Siwana, Jasol, Pokaran, Bhopalgarh, Faloudi, Tiwari, Jhanwar, Chhabara, Shahbad, Nainwa, Hindoli, Keshoraipatan, Indergarh, Aklera, Pidawa, Sangod, Mandana, Ramganjmandi (Ajmer), Raniwada, Sanchour, Jaitaran Bali (Pali), Pindwara, Shivganj, Kushalgarh, Sagwara, Simalwara, Gogunda, Kherwara, Mawali, and Salumbar).

महानिरीक्षक, पंजीयन एवं मूद्रांक विभाग	
सामान्य प्राप्ति क्रमांक.....	दिनांक.....
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हस्ताक्षर प्राप्ति लिपिक	
शाखा जिसमें देना है।	
स्था/सहायक/अधीक्षक/निरीक्षण/सहायक/अधीक्षक/बिला/स्टोर/ए.सी.अ.अ./पू.अ.	
हस्ताक्षर कार्याधीक्षक	
18/6/13	
महानिरीक्षक	

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Commissioner of Income-tax (TDS),
Jaipur - Rajasthan.