



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Registered under Societies Registration Act XXI of 1860 vide Govt. of NCT Delhi No. S/RS/SW/1161/2014
[Registered under Pensioners Portal vide DoP&PW letter No. 4(4)/2021-P&PW(H)7311 dated 04.01.2024]
Flat No.6, Second Floor, 10/41, Sowrashtanagar 7th Cross Street, Choolaimedu, Chennai – 600094

Email: gensecaibsnlrea@yahoo.com

Website: <https://www.aibsnlrea.org>

President

V. Chinnappiah
(M) 9444003300

General Secretary

R.R.Balasubramanian
(M) 9486100613

Financial Secretary

Awadesh Sharma
(M) 9968630008

No. AIBSNLREA/CHQ/2024/78

Dated 25th October 2024

To
Shri Ravi Agrawal,
Chairman,
Central Board of Direct Taxes,
New Delhi

Sub: Request for closure of notice issued under Section 220 (2) of Income Tax Act to Shri Madhusudhan Mukherjee Retd Junior Telecom Officer, BSNL, Kolkata

Sir,

We are constrained to draw your kind attention to the difficult situation a fragile pensioner has been put in, because of notice under section 220 (2) of Income Tax Act 1961 issued by the IT authorities although TDS has been recovered by BSNL, his employer, but not fully deposited with IT department during AY 2009-10 & 2011-12.

2. **Shri Madhusudhan Mukherjee (PAN No. _____)** received a notice from CPPC Bangalore on 13.9.2021 under section 220 (2), asking him to pay outstanding demand of Rs.71690 after adjusting Rs.14090 the refund due to him, on the plea that he has not paid Income Tax for the AY 2009-10 & 2011-12. Since then, Shri Madhusudhan Mukherjee has been repeatedly representing to the authorities pointing out that Rs.30002 & Rs.13683/- had been recovered as TDS by BSNL for the said assessment years which reflects in the Form 16, but without success [**copy enclosed as Annexure-A**].

3. At one point, the income tax official wrote to the BSNL authorities that "*this TDS amount has clearly been mentioned in Form No.16 issued to the assessee. But full TDS is not reflected in e-TDS database. For rectification of demand, you are requested to upload the TDS amount as early as possible and intimate this office accordingly*". But BSNL authorities have

failed to meet the requirement by the IT officials due to changes in the administrative setup and non-traceability of the relevant records. Thus Shri Madhusudhan Mukherjee has been subjected to unwarranted sufferings for no fault of his.

4. We are surprised as to why such a notice was issued to Shri Madhusudhan Mukherjee in the first instance when section 205 of IT Act 1961 clearly mentions that "*Where tax is deductible at the source under the foregoing provisions of this Chapter, the assessee shall not be called upon to pay the tax himself to the extent to which tax has been deducted from that income.*"

5. Also there are clear instructions from CBDT vide F.No. 275/29/2014-IT (B) dated 11th March 2016, reiterating its earlier instructions contained in its letter dated 01.06.2015 that "*in case of an assessee whose tax has been deducted at source but not deposited to the Government's account by the deductor, the deductee assessee shall not be called upon to pay the demand to the extent tax has been deducted from his income. It was further specified that section 205 of the Income-tax Act, 1961 puts a bar on direct demand against the assessee in such cases and the demand on account of tax credit mismatch in such situations cannot be enforced coercively.*"

6. There are also court directions preventing such coercion, with a latest judgement dated 01.10.2024 by Hon'ble Delhi High Court in WP (C) 13765/2024 between Satwant Singh Sanghera vs The Asst. Commissioner of Income Tax & Anr, setting aside the notices issued and adjustment of demands by IT department in a similar instance pertaining to AY 2009-10, 2010-11 and 2011-12 and also directing passing of necessary consequential orders and processing the refund amount due if already adjusted [**copy enclosed as Annexure-B**].

7. We would therefore request you to kindly look into the case and direct the concerned authorities to close the notice issued to Shri Madhusudhan Mukherjee and to refund the amount which has been adjusted and thus render justice to an aged pensioner in his 70's and who has been made to suffer unnecessarily for more than three years now.

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)
General Secretary

Encl: As stated

Copy to: 1. Shri Pankaj Chaudhary,
Minister of State, Finance, Gol
2. Shri V. Srinivas,
Secretary (Pension), DoP&PW