

MBA SEM III

FC 02 / UNIT - 2

DATE OF CLASS: 20/08/20

TOPICS

Powers and functions of commissioner
of Income tax

Commissioner is an important income tax authority which has executive and judicial powers. The ~~now~~ ~~CBDT~~ central board of revenue is the appointing authority for commissioner of income tax. Normally commissioner is appointed as in-charge of a zone.

He is responsible for the management & administration of the area assigned to him. He is a subordinate regional commissioner income tax.

JURISDICTION

In a specific area which is assigned to him, he performs both the judicial and executive functions. If specific area is not assigned then he performs his duties under the direction of Central board of revenue.

Functions and powers of Commissioner of IT

The commissioner ~~exercise~~ the power to control the staff of income tax department working in his jurisdiction. He is also responsible for the efficiency of work in all respect in his zone.

Following the important power of CIT

1) Determine the Jurisdiction:

He has power to determine the jurisdiction and assign the work to subordinate inspecting additional commissioners and deputy commissioners.

2) Final Authority:

CIT is the final authority to decide the disputes if two subordinate authorities are not in agreement regarding their area of jurisdiction or the assessment of a person.

3) Transfer:

He is empowered to transfer the jurisdiction from one income tax authority to another.

4) Revision of orders:

He may revise any order passed by his subordinate, however these orders should not be prejudicial to the assessee.

5) Power to Withhold the Refund:

The CIT empowered to order that the refund must be withheld if the department wants to appeal against the refund.

(3)

6) Refers to case To High Court:
If he is not satisfied with the decision of appeal tribunal, he can request the tribunal to refer the case to high court provided the decision involves the point of law.

7) Power to compound offence
He may either before or after the institution of proceedings compound such offence where a person has committed any offence under the IT law.

8) Order to person for payment:
He may order a person who has committed an offence to pay the amount for which the offence may not compound.

9) Power to disqualify the practitioners:
If he finds any practitioners quality of misconduct, he may disqualify an IT practitioner to appear before any IT authority.

10) Power to Amend his orders:
To rectify any mistake from the record the commissioner. IT may amend his orders passed by him.

(4)

11) Power to receive evidence:

The CIT has the power to receive the evidence on affidavit. For the examination of ~~witness~~ witnesses he can issue the orders to Commissioner S.

12) Power to Demand Documents:

He can compel any person to produce his book of Accounts or any other documents for investigation; he can also enforce any person to attend his office and he can examine him.

13) Power to Extend the Petition Period.

He can extend the normal period for filing a revision petition, if he is satisfied about the cause of delay.

14) Power to decide the Revision petitions:

Against the decision of his subordinates he entertains, hears and decides the revision the petition of aggrieved assessee.

15) May Direct To Appeal

The CIT may direct the deputy commissioner to appeal to appellate tribunal against decision made by CIT (appeal)

16) PENALTY !!

IF the notice has been issued to any assessee but he has failed to obey the notice. Such case, CIT may impose penalty to that assessee.

17) Best Judgement Assessment

If any person fails to file the return of income tax with in due date the the CIT can make the best judgment of assessment.

18) Power of Recovery of tax

The commissioner can take various steps to recover of amount of tax if any person (assessee) fails to pay the due tax.

19) Inventory of Articles

If any article is not entered and it is found in the premises the Commissioner can make inventory of that article.

20) Provisional Assessment

The CIT has the power to make the provisional assessment if any person fails to file the return.

21) NOTICE FOR TAX

The commissioner income tax can issue the notice to pay the tax or filing the return.

22) Retain the documents

The Commissioner is empowered to retain the important documents of the taxpayers with the purpose of prosecution.

23) Change the Method of Accounting.

If any person wants to change his method of accounting the CIT may allow him to change or sustain.