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Paper-VII - Taxation Law & Accounts.

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Ques → Discuss the Powers of Commissioner of Income-tax.

Ans

Commissioner of Income-tax is the final authority to decide the disputes if two subordinate income tax authorities are not in agreement regarding their areas of jurisdiction or the assessment of a person. He is empowered to transfer the jurisdiction from one income-tax authority to another.

He is an important income-tax authority which has executive and judicial powers. The Central board of revenue is the appointing authority for commissioner of income-tax. Normally Commissioner is appointed as an incharge of a Zone. He is responsible for the administration of the area assigned to him. He is subordinate regional commissioner income-tax.

* Function and Powers of Commissioner of income-tax :- The

Commissioner exercises 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 are the important powers of commissioner of income-tax —

- (a) Determine the jurisdiction :- He has the power to determine the jurisdiction and assign the work to subordinate inspecting additional commissioners income-tax and deputy commissioner.
- (b) Final authority to decide the dispute :- Commissioner income-tax is the final authority to decide the disputes, if two subordinate income-tax authorities are not in agreement regarding their area of jurisdiction or the assessment of a person.
- (c) Transfer of Jurisdiction :- He is empowered to transfer the jurisdiction from one income-tax authority to another.
- (d) Revision of orders :- He may revise any other passed by his subordinates however these orders should not be prejudicial to the assessee.

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(e) Power to withhold the Refund: - The Commissioner of income-tax is empowered to order that the refund must be withheld if the department wants to appeal against the refund.

(f) Refer the case to high court: - If he is not satisfied with the decision of appellate tribunal, he can request the tribunal to refer the case to high court provided that the decision involves the point of law.

(g) 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 income-tax law.

(h) 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 be compounded.

(i) Power to disqualify the practitioners: - If he finds any practitioners guilty of misconduct, he may disqualify an income tax practitioner to appear before any income-tax authority.

(j) Power to amend his order: - To rectify any mistake from the record the commissioner income-tax may amend his orders passed by him.

(k) Power to Receive Evidence: - The Commissioner has the power to receive the evidence on affidavit. For the examination of witness he can issue the orders to Commissioner.

(l) Power to demand documents: - He can compel any person to produce his books of accounts or any other documents for investigation. He can also enforce any person to attend his office and he can examine him.

(m) Power to Decide the Revision Petitions: - Against decision of his subordinates he entertains, hears and decides the revision petitions of aggrieved assesses.

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(m.) Power to extend the Petition Period:— He can extend the normal period for filling a revision petition, if he is satisfied about the cause of delay.

(n.) May direct For Appeal:— The Commissioner of income-tax (Head quarter) may direct the deputy Commissioner to appeal to appellate tribunal against the decision made by the Commissioner income-tax.

(p.) Penalty:— If the notice has been issued to any taxpayer but ~~he has direct the deputy Commissioner~~ he has failed to obey the notice. In this case Commissioner income-tax may impose penalty on the person.

(q.) Power of Recovery of tax:— The Commissioner income tax can take various steps to recover the amount if any person fails to pay the due tax.

(r.) Notice for tax:— The Commissioner income-tax can issue the notice to any person for filling the return or for the collection of tax from the tax payer.

(s.) Retain the documents:— The Commissioner income-tax is empowered to retain the important documents of the taxpayers for the purpose of prosecutions.