

Question 1:

From which Assessment Year re-notified Form 10B is applicable?

Resolution:

Form 10B notified vide Notification No. 7/2023 dated 21st February 2023 is applicable from Assessment Year 2023-24 onwards i.e. for A.Y. 2023-24 and upcoming years.

Question 2:

Is Form 10B which was being filed prior to issuance of Notification No. 7/2023, still available on e-Filing portal?

Resolution:

Yes, old Form 10B is also available on portal and is applicable till Assessment Year 2022-23 only.

For filings upto Assessment Years 2022-23, Form 10B is available on e-Filing portal and can be accessed at–
“e-File -----> Income Tax Forms ----> File Income Tax Forms ---> Persons not dependent on any Source of Income----> Form 10B” for assignment to CA.

or

Alternatively, the form can be assigned using “My CA” functionality as well.

Question 3:

When is an auditee required to file Form 10B notified vide Notification No. 7/2023?

Resolution:

From A.Y. 2023-24 onwards, re-notified Form 10B shall be applicable where any of the below mentioned conditions are satisfied-

- (I) The total income of *auditee*, without giving effect to the provisions of below mentioned clauses/sections, as applicable-
 - a) sub-clauses (iv), (v), (vi) and (via) of clause 23C of section 10
 - b) sections 11 and 12 of the Act,exceeds rupees five crores during the previous year
- (II) *Auditee* has received any foreign contribution during the previous year
- (III) *Auditee* has applied any part of its income outside India during the previous year.

For more details, Rule 16CC and Rule 17B of Income tax Rules, 1962 may be referred.

Question 4:

What is the process to file Form 10B (A.Y. 2023-24 onwards) on e-Filing portal?

Resolution:

Please Follow the below steps for filing Form 10B:

Step-1: Taxpayer can assign Form 10B (AY 2023-24 onwards) to CA, from E-file form mode ----->.

Step-2: CA can check the assignment in “For your action tab” under worklist --->

Step 3: CA can either accept or reject the assignment ---- >

Step 4: In case CA accepts the assignments, he/she needs to upload the JSON along with PDF attachments under offline mode of filing ---- >

Step 5 : Once CA submits the JSON with valid attachments, taxpayer either has to accept/reject the form uploaded by CA through the Worklist's "For Your Action" tab

Question 5:

Who is an "auditee" as referred in Question No. 3 above?

Resolution:

Any fund or institution or trust or any university or other educational institution or any hospital or other medical institution referred to in sub - clauses (iv), (v), (vi) or (via) of clause (23C) of section 10 of the Act or any trust or institution referred to in sections 11 or 12 of the Act shall be referred as "auditee" in this form.

Question 6:

What is the due date for filing of Form 10B (A.Y. 2023-24 onwards)?

Resolution:

The due date of the form is on or before the specified date referred to in section 44AB i.e. one month prior to the due date for furnishing the return of income under sub-section (1) of section 139 of income tax act, 1961.

Question 7:

How offline utility for new form 10B can be downloaded?

Resolution:

Visit <https://www.incometax.gov.in>-----> Go to download section-----> Income tax forms -----> Form 10B (A.Y.2023- 24 onwards)----- > click on form utility.

Alternatively, this CA can access this path by clicking on download button under offline utility option at the time of uploading form.

Note: Please make sure you always use the latest version of utility, available on E-filing portal to download and upload the json.

Question 8:

What are the modes available to verify the form 10B on system?

Resolution:

Modes of verification for Form 10B (A.Y. 2023-24 onwards):

- For CAs, only DSC option is available for uploading of Form.
- For taxpayers (auditee) other than companies, both DSC and EVC options are available to accept the form uploaded by CA.
- For Companies, only DSC option is available to accept the form uploaded by CA.

Question 9:

What is the meaning of "foreign contribution" as mentioned in Question No. 3 in reference of re-notified Form 10B?

Resolution:

For Rule 16CC and Rule 17B, the word “foreign contribution” shall have the same meaning assigned to it in clause (h) of sub-section (1) of section 2 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010).

Question 10:

How to provide records for Schedules having Table i.e. “Add Details” option and “Upload CSV” option together?

Resolution:

For the Schedules having “Add details and “Upload CSV” both options together, please note the following:-

- a) For number of records upto 50: Either of table or CSV option can be used. In both cases, data will be reflected in table.
- b) For number of records more than 50: Only CSV option can be used. The data will appear as CSV attachment only.
- c) While using upload CSV option, followings steps to be followed:-
“Download Excel template →Add Records →Convert Excel template into .csv file →upload .csv file
- d) Whenever a CSV file is uploaded, it will overlap the existing records/data, if any. Old records will be deleted and records uploaded through latest CSV will prevail.

Question 11:

Is there any instruction or guidance available for filling of Form?

Resolution:

Yes, CA can download the instruction file in the utility of the form 10B (A.Y.2023-24 onwards).

Question 12:

Where to upload the Balance Sheet, Profit and loss statement and tax audit report, as applicable in new form 10B?

Resolution:

Auditor is required to upload the Balance Sheet, Profit and Loss account and audit report under 3CA/3CB in PDF or zip file at the time of submission of form on e-filing portal under supporting documents.

There is an optional attachment option as well named “Miscellaneous Attachments” where any other relevant document may be attached.

Please note that size of each document shall not exceed 5 MB and all the attachments together should not exceed 50MB. Also all the attachments should be in PDF/ZIP format only and all the files in ZIP folder should contain files in PDF format only.

Question 13:

Can filed Form 10B (A.Y. 2023-24 onwards) be revised?

Resolution:

Yes, revision option is available for filed Form 10B.

Question 14:

When filing of form 10B is considered to be completed ?

Resolution:

Filing of form is considered to be completed only when taxpayer accepts the form submitted by the CA and verifies the same with active DSC or EVC registered on e-filing portal.

Question 15:

When panels of schedules will be available to fill in the offline utility of form 10B?

Resolution:

When user completes other panels in the form then only the panels of schedules will be available to fill.

Question 16:

User has filed form 10B last year, which form, either 10B or 10BB is required to be filed from A.Y.2023-24 onwards?

Resolution:

Income-tax Amendment (3rd Amendment) Rules,2023 has amended Rule 16CC and Rule 17B. Irrespective of the fact, which form was filed in the previous assessment years, applicability of the form 10B and 10BB from A.Y. 2023-24 onwards shall be decided based on amended Rule 16CC and Rule 17B.

Question 17:

Where to view the filed form details after filing of Form 10B (A.Y. 2023-24 onwards)?

Resolution:

Filed form details can be viewed under e-File tab--->Income Tax Forms--->View Filed Forms under CA and Taxpayer's login.

Question 1:

From which Assessment Year re-notified Form 10BB is applicable?

Resolution:

Form 10BB notified vide Notification No. 7/2023 dated 21st February 2023 is applicable from Assessment Year 2023-24 onwards.

Question 2:

Is Form 10BB which was being filed prior to issuance of Notification No. 7/2023, still available on e-Filing portal?

Resolution:

Existing Form 10BB is available on portal and is applicable till Assessment Year 2022-23 only.

For filings upto Assessment Years 2022-23, Form 10BB is available on e-Filing portal and can be accessed at–

“e-File -----> Income Tax Forms ----> File Income Tax Forms ---> Persons not dependent on any Source of Income > Form 10BB” for assignment to CA.

or

Alternatively, the form can be assigned using “My CA” functionality as well.

Question 3:

When is an auditee required to file Form 10BB notified vide Notification No. 7/2023?

Resolution:

From A.Y. 2023-24 onwards, re-notified Form 10B shall be applicable where any of the below mentioned conditions are satisfied-

- (I) The total income of *auditee*, without giving effect to the provisions of mentioned clause/section, as applicable-
 - a) sub-clauses (iv), (v), (vi) and (via) of clause 23C of section 10
 - b) sections 11 and 12 of the Act,exceeds rupees five crores during the previous year
- (II) *Auditee* has received any foreign contribution during the previous year
- (III) *Auditee* has applied any part of its income outside India during the previous year.

For all other cases, re-notified **Form No. 10BB** shall be applicable.

For more details, you may refer Rule 16CC and Rule 17B of Income tax Rules, 1962.

Question 4:

What is the process to file Form 10BB (A.Y. 2023-24 onwards) on e-Filing portal?

Resolution:

Following are the steps for filing Form 10BB (A.Y. 2023-24 onwards):

Step 1) Taxpayer login: Assign Form to CA. Form can be assigned in either of two ways-

- a) e-File -----> Income Tax Forms ----> File Income Tax Forms ----> Persons not dependent on any Source of Income-----> Form 10BB (A.Y. 2023-24 onwards)
- b) Authorised Partners-----> My Chartered Accountant (CA) -----> Add CA (if not added)----- > Assign Form 10BB (A.Y. 2023-24 onwards).

Step 2) CA Login: CA to accept the assignment and upload the Form through the Worklist's "For Your Action" tab.

Step 3) Taxpayer login: Taxpayer to accept the form uploaded by CA through the Worklist's "For Your Action" tab.

Please ensure that the form is uploaded and accepted before the *specified date referred to in section 44AB i.e. date one month prior to the due date for furnishing the return of income under sub-section (1) of section 139* to avoid any delayed filing consequences.

Question 5:

Who is an "auditee" as referred in Question No. 3 above?

Resolution:

Any fund or institution or trust or any university or other educational institution or any hospital or other medical institution referred to in sub - clauses (iv), (v), (vi) or (via) of clause (23C) of section 10 of the Act or any trust or institution referred to in sections 11 or 12 of the Act shall be referred as "auditee" in this form.

Question 6:

What is the meaning of "foreign contribution" as mentioned in Question No. 3 in reference of re-notified Form 10BB?

Resolution:

For Rule 16CC and Rule 17B, the word "foreign contribution" shall have the same meaning assigned to it in clause (h) of sub-section (1) of section 2 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010).

Question 7:

What is the due date for filing of Form 10BB (A.Y. 2023-24 onwards)?

Resolution:

Form 10BB shall be filed before the specified date referred to in section 44AB i.e. one month before the due date for filing of return u/s 139(1).

Question 8:

When is filing of Form 10BB (A.Y. 2023-24 onwards) considered to be completed ?

Resolution:

Filing of form is considered to be completed only when taxpayer accepts the form uploaded by CA and verifies the same with active DSC or EVC registered on e-filing portal.

Question 9:

What modes of verification are available for Form 10BB (A.Y. 2023-24 onwards)?

Resolution:

Modes of verification for Form 10BB (A.Y. 2023-24 onwards):

- For CAs, only DSC option is available for uploading of Form.
- For taxpayers (auditee) other than companies, both DSC and EVC options are available to accept the form uploaded by CA.
- For Companies, only DSC option is available to accept the form uploaded by CA.

Question 10:

I have filed Form 10BB last year. Which form, either 10B or 10BB is required to be filed for A.Y.2023-24 or succeeding assessment years?

Resolution:

Income-tax Amendment (3rd Amendment) Rules,2023 has amended Rule 16CC and Rule 17B. Irrespective of the fact, which form was filed in the previous assessment years, applicability of the Form 10B and 10BB from A.Y. 2023-24 onwards shall be decided on the basis of amended Rule 16CC and Rule 17B.

Question 11:

How to provide records for Schedules having Table i.e. “Add Details” option and “Upload CSV” option together?

Resolution:

For all Schedules in Serial Number 23(vii), Serial No. 23(viii) and Serial No. 32, please note the following:-

- a) For number of records upto 50: either of table or CSV option can be used. In both cases, data will be reflected in table.
- b) For number of records more than 50: Only CSV option can be used. The data will appear as CSV attachment only.
- c) While using upload CSV option, followings steps to be followed:-
“Download Excel template →Add Records →Convert Excel template into .csv file →upload .csv file”
- d) Whenever a CSV file is uploaded, it will overlap the existing records/data, if any. Old records will be removed and records uploaded through latest CSV will prevail.

Question 12:

Can filed Form 10BB (A.Y. 2023-24 onwards) be revised?

Resolution:

Yes, revision option is available for filed Form 10BB.

Question 13:

Is there any instruction or guidance available for filling of Form?

Resolution:

Yes, Once the CA accepts the assignment and proceeds for filling the form under his ARCA login, he will be able to download an **Instruction File**, available at the top of screen where Form 10BB (A.Y. 2023-24 onwards) panels are provided.

By clicking on mentioned link, the Instruction file can be downloaded.

Question 14:

Whether any attachments are required to be attached while filing the Form?

Resolution:

Yes, following attachments are mandatory to be attached under "Attachments" panel of form-

- a) Income and Expenditure Account/Profit and Loss Account
- b) Balance Sheet

There is an optional attachment option as well named "Miscellaneous Attachments" where any other relevant document may be attached.

Please note that size of each attachment shall not exceed 5MB. All the attachments should be in PDF/ZIP format only and all the files in ZIP file should contain files in PDF format only.

Question 15:

Where to view the filed form details after filing of Form 10BB (A.Y. 2023-24 onwards)?

Resolution:

Filed form details can be viewed under e-File tab--->Income Tax Forms--->View Filed Forms under CA and Taxpayer's login.