

FORM NO. 34B

[See rules 44C and 44CA]

Form of application for settlement of cases under section 245C(1) of the Income-tax Act, 1961

IN THE SETTLEMENT COMMISSION

Settlement application No.

1. Full name and address of the applicant
2. Permanent Account Number
3. Status [see Note 4]
4. The Commissioner having jurisdiction over the applicant
5. Assessment year(s) in connection with which the application for settlement is made
6. Date of filing the return of income for assessment year(s) referred to in column 5
7. Proceedings to which application for settlement relates, the date from which the proceedings are pending and the income-tax authority before whom the proceedings are pending [See Note 6]
8. Where any appeal or application for revision has been preferred after the expiry of the period specified for the filing of such appeal or application for revision, as the case may be, whether such appeal or revision has been admitted
9. Date of seizure, if any, under section 132 of the Income-tax Act
10. Particulars of the issues to be settled, nature and circumstances of the case and complexities of the investigation involved [See Note 7]
11. Full and true disclosure of income which has not been disclosed before the Assessing Officer, the manner in which such income has been derived and the additional amount of income-tax payable on such income [See Notes 9 and 10]

Signed
(Applicant)

Verification

I, _____, son/daughter/wife of _____ do hereby solemnly declare that to the best of my knowledge and belief, what is stated above and in the Annexure [including the statement(s) and documents accompanying such Annexure] is correct and complete. I further declare that I am making this application in my capacity as _____ [designation] and that I am competent to make this application and to verify it.

Verified today the _____ day of _____.

Place

Signed
(Applicant)

Notes :

1. The application for settlement must be in quintuplicate.
2. The application for settlement must be accompanied by a fee of five hundred rupees. The fee should be credited in a branch of the authorised bank or a branch of the State Bank of India or a branch of the Reserve Bank of India and the triplicate challan sent to the Settlement Commission, with the application for settlement. The Settlement Commission will not accept cheques, drafts, hundies or other negotiable instruments.
3. The number and year of application will be filled in in the office of the Settlement Commission.
4. Please state whether individual, Hindu undivided family, company, firm, an association of persons, etc.
5. If the space provided is found insufficient, separate enclosures may be used for the purpose.
6. In case of assessment proceedings, indicate the designation of the Assessing Officer before whom the proceedings are pending indicating also the date of service of notice under section 139(2)/section 148 of the

Income tax Act, 1961, or the date of reopening of the assessment under section 146 of the said Act or, as the case may be, the date of filing of the return under section 139 of the said Act. In case of appellate proceedings, indicate the appellate authority, before whom the appeal is filed and the date of filing of the appeal. In case of revision petition, indicate the date of filing the revision petition and whether the same is filed within time or not.

7. Full details of issues for which application for settlement is made, the nature and circumstances of the case and complexities of the investigation involved must be indicated against item 10. Where application relates to more than one assessment year, these details should be furnished for each assessment year.
8. The application for settlement of a case shall not be allowed to be withdrawn by the applicant.
9. The additional amount of income-tax payable on the income referred to in item 11 should be calculated in the manner laid down in sub-sections (1A) to (1D) of section 245C.
10. The details referred to in item 11 shall be given in the Annexure to this application.

ANNEXURE

Statement containing particulars referred to in item 11 of the application under section 245C(1) of the Income-tax Act, 1961

1. Amount of income which has not been disclosed before the Assessing Officer.
2. Additional amount of income-tax payable on the said income.
3. Full and true statement of facts regarding the issues to be settled, including the terms of settlement sought for by the applicant.
4. The manner in which the income referred to in item No. 1 has been derived.

Place
Date

Signed
(Applicant)

Note :

The Annexure should be accompanied by-

- (i) statement(s) containing computation of total income of the applicant for the assessment year or years to which the application for settlement relates, in accordance with the provisions of the Act ;
- (ii) copies of the manufacturing account or trading account or both, as the case may be, profit and loss account or income and expenditure account or any other similar account, as the case may be, and balance sheet ; and
- (iii) in the case of -
 - (a) a proprietary business or profession, copies of the personal account of the proprietor ;
 - (b) a firm or association of persons or body of individuals, copies of the personal accounts of the partners or members thereof, as the case may be ; and
 - (c) a partner of a firm or a member of an association of persons or body of individuals, copies of the personal account of such partner or member in the firm or association of persons or body of individuals, as the case may be.