



Recd
23/6/15

भारत सरकार
वित्त मंत्रालय
राजस्व विभाग
सामाजिक और आर्थिक कल्याण की
अभिवृद्धि के लिये राष्ट्रीय समिति

Government of India
Ministry of Finance
Department of Revenue
National Committee for Promotion
of Social and Economic Welfare

File No270/23 /2005-NC
New Delhi, the 16th June, 2015

To,

Managing Trustee,
Paragon Charitable Trust,
I-11/12, Paragon Concominium,
Pandurang Budhkar Marg,
Worli, Mumbai 400013.

Subject : Request for Amendment of Notification No. S.O. 998(E) dated 05.07.2006

Sir,

Please refer to your letter on the above captioned subject. Find enclosed here with a copy of the notification S.O.NO. 1581(E) dated 15.6.2015 amending notification No. S.O. 998(E) dated 05.07.2006.

2. The approval is subject to the following conditions:-
- (i) Out of total beneficiaries of the project, at least 50% beneficiaries must belong to economically weaker sections of the society whose income is below Rs.18000/- per annum and they should be provided freeship. However, this shall not apply to cases, where the services or facilities are to be provided free of cost completely to all the beneficiaries.
 - (ii) A complete record of such beneficiaries is maintained including their names and addresses, the nature of services provided and the fee charged, if any. The record should be open for verification at any given time.
 - (iii) Violation of conditions may entail taxation of the entire amount of donation in the hands of the institution.

- (iv) A complete record of projects undertaken, its location, specific activities done, amount spent on each activity and the assets, if any, created should be maintained for verification, if necessary.
 - (v) The institution would file a report from a Chartered Accountant alongwith the return of income of each assessment year certifying that the existing records of the Institution adequately demonstrate that 50% of total beneficiaries came from the economically weaker sections of the society and that full benefits were rendered to them free of cost.
 - (vi) The trust should display public notices at prominent places indicating the extent of services to be provided alongwith the free or concessional benefits and the facilities, which are reserved for people belonging to weaker sections of the society who will not be charged any fee. The address and contact numbers of the office of National Committee (being the approving authority) must also be displayed.
3. In term of Rule 11K (iv) of the Income Tax Rules, 1962, the organization is required to maintain a separate account for each approved project. In addition to inspection by the Income Tax Department, the accounts shall be open for inspection of the National Committee or any official deputed by the Committee for this purpose.
4. It may be ensured that Annual Status Reports are duly submitted in respect of the approved project indicating the amount of donations collected/received under Section 35AC of the Income Tax Act, 1961; the amount spent and the extent of work carried out, duly certified by a senior executive of the organization/Institution alongwith photographs relating thereto, if any, in the prescribed Form 58D. The status reports should be sent in the prescribed format only. Additional comments, if any, may be sent separately, but in no case, shall any annual report or performance report be accepted as a substitute for the prescribed status report in form 58D. These reports have to be prepared and finalized as on 31st March of every year alongwith a statement of accounts, and submitted so as to reach the Secretariat of the National Committee by 31st May of every year.
5. While receiving the donations u/s 35AC of the I.T. Act, 1961 for the notified project, it may be ensured that receipts are issued in the form 58-A/58-B. These certificates are required to be issued in terms of Income Tax Rule 110 and specimen of these forms is available in the Income Tax Rule, 1962.
6. On completion of the project or scheme, a final report has also to be submitted alongwith a certificate from the Local Administration/ Gram Panchayat in all such cases where assets created were to be handed over to such authorities.

7. Failure to conform to these terms and conditions may result in the withdrawal of the approval of the project or scheme and will also be taken note of while considering any other project or scheme submitted by an Association/Institution/Organisation. The withdrawal of approval may entail taxation of the entire amount of donation in the hands of the organisation.

8. Receipt of this letter may please be acknowledged. File Number must be mentioned in all future communications.

Yours faithfully,



(P.K. Jain)

Section Officer (National Committee)

Tele: 2309 2598

Copy to:-

CCIT(Mumbai) alongwith a copy of the notification with a request to forward the same to the jurisdictional CIT.



(P.K. Jain)

Section Officer (National Committee)

(भारत के राजपत्र, असाधारण, भाग II, खण्ड-3, उपखण्ड (ii) में प्रकाशनार्थ)

भारत सरकार
वित्त मंत्रालय
(राजस्व विभाग)
अधिसूचना

नई दिल्ली, दिनांक 15 जून, 2015

सां0आ0 1581 (अ0): जबकि आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 क ग के स्पष्टीकरण के खण्ड (ख) के अंतर्गत जारी की गयी भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की दिनांक 5.07.2006 की अधिसूचना सं0 सां0 आ0 998 (अ0) द्वारा केन्द्र सरकार ने "पैरागॉन चेरीटेबल ट्रस्ट, 1-11/12, पैरागॉन कन्डोमिनियम, पांडुरंग बुद्धकर मार्ग, वर्ली मुम्बई-400013" द्वारा झुग्गी-झोपड़ी और कारखानों के मजदूरों के बच्चों के लिए " 'मुक्तांगन' बालवाड़ी और स्कूल परियोजना" की परियोजना को निर्धारण वर्ष 2006-2007 से प्रारंभ होने वाली दो वर्षों की अवधि के लिए एक पात्र परियोजना अथवा स्कीम के रूप में क्रम सं0 7 पर अधिसूचित किया था; जिसे आगे दिनांक 17-06-2008 की अधिसूचना सं0 सां0आ0 1471 (अ0) द्वारा वित्तीय वर्ष 2008-2009 से प्रारंभ होने वाली तीन वर्षों की अवधि के लिए और आगे बढ़ा दिया गया था और जिसे आगे दिनांक 14-06-2011 की अधिसूचना सं0 सां0आ0 1397 (अ0) द्वारा वित्तीय वर्ष 2013-2014 को समाप्त होने वाली तीन वर्षों की अवधि के लिए और आगे बढ़ा दिया गया था और जिसे आगे दिनांक 27-12-2013 की अधिसूचना सं0 सां0आ0 3835 (अ0) द्वारा वित्तीय वर्ष 2014-2015 से प्रारम्भ होने वाली तीन वर्षों की अवधि अर्थात् 2014-2015, 2015-2016 और 2016-2017 के लिए और आगे बढ़ा दिया गया था;

और जबकि दिनांक 27-12-2013 की अधिसूचना सं0 सां0आ0 3835 (अ0) द्वारा अनुमानित लागत को आवर्ती खर्चों के लिए 37.80 लाख रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये से बढ़ाकर आवर्ती व्यय के लिए 100 लाख रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये कर दिया गया था;

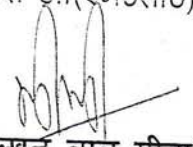
और जबकि अनुमोदन की शेष अवधि के लिए अर्थात् 2016-17 तक के लिए, परियोजना लागत के आवर्ती व्यय के लिए 100 लाख रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये से बढ़कर आवर्ती व्यय के लिए 11.00 करोड़ रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये होने की संभावना है।

और जबकि सामाजिक और आर्थिक कल्याण की अभिवृद्धि के लिए राष्ट्रीय समिति का यह समाधान हो जाने पर कि उक्त परियोजना अथवा स्कीम उपयुक्त रूप से निष्पादित की जा रही है, इस समिति ने आयकर नियमावली, 1962 के नियम 11 ड के उप नियम (5) के अंतर्गत उक्त परियोजना अथवा स्कीम की परियोजना लागत को आवर्ती व्यय के लिए 100 लाख रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये से बढ़ाकर आवर्ती व्यय के लिए 11.00 करोड़ रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये करने की सिफारिश है।

इसलिए, अब, केन्द्र सरकार, आयकर अधिनियम, 1961(1961 का 43) की धारा 35 क ग के स्पष्टीकरण के खंड (ख) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना सं० सां०आ० 998 (अ०) दिनांक द्वारा 5.07.2006 में निम्नलिखित प्रभाव हेतु संशोधन करती है, नामतः -

उक्त अधिसूचना की सारणी में क्रम सं० 7 के कॉलम (4) में, जोकि धारा 35 क ग के अन्तर्गत कटौती के रूप में अनुमत्य लागत की अधिकतम राशि से संबंधित है, में "आवर्ती व्यय के लिए 100 लाख रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये" अक्षरों, आंकड़ों और शब्दों के स्थान पर "आवर्ती व्यय के लिए 11.00 करोड़ रुपये और कार्पस निधि के लिए 4.55 करोड़ रुपये" अक्षर, आंकड़े और शब्द प्रतिस्थापित किए जाएंगे।

[सं० 152/2015/ फा०सं० वी.27015/1/2015-एस ओ(एन०सी०)]



(मकखन लाल मीना)

उप सचिव(राष्ट्रीय समिति)

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART-II,
SECTION 3, SUB-SECTION (ii)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(Department of Revenue)

NOTIFICATION

New Delhi, dated the 15th June, 2015

S.O. 1581 (E).- Whereas by notification of the Government of India in the Ministry of Finance (Department of Revenue) number S.O.998(E) dated the 5.07. 2006, issued under clause (b) of the Explanation to section 35AC of the Income-tax Act, 1961 (43 of 1961), the Central Government had notified at serial number 7, " "Muktangan" Balwadi and school project for children of slum dwellers and factory workers" by "Paragon Charitable Trust, 1-11/12, Paragon Condominium, Pandurang Budhkar Marg, Worli, Mumbai-400013", as an eligible project or scheme for a period of two years beginning with assessment year 2006-2007; which was extended further vide notification number S.O.1471(E) dated 17th June, 2008 for a further period of three years beginning with the financial year 2008-09; which was further extended vide notification number S.O. 1397(E) dated 14.06.2011 for a period of three years ending with financial year 2013-14 and which was further extended vide notification S.O. No.3835(E) dated 27.12.2013 for a period of three years commencing from the financial year 2014-15, i.e., 2014-15, 2015-16 and 2016-17.

And whereas by notification number S.O. 3835(E) dated 27.12.2013 the estimated cost was enhanced from 37.80 lakhs for recurring expenses and a corpus fund of Rs.4.55 crore., to Rs.100 lakh for recurring expenses and a corpus fund of Rs.4.55 crore;

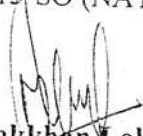
And whereas the project cost is likely to enhance from Rs.100 lakh for recurring expenses and a corpus fund of Rs.4.55 crore to Rs.11.00 crore and a corpus fund of 4.55 crore for the remaining period of approval i.e. upto 2016-17

And, whereas, the National Committee for the Promotion of Social and Economic Welfare, being satisfied that the said project or scheme is being executed properly, made a further recommendation under sub-rule (5) of rule 11M of the Income-tax Rules, 1962 for amending the project cost from Rs.100 lakh for recurring expenses and a corpus fund of Rs.4.55 crore to Rs.11.00 crore and a corpus fund of 4.55 crore;

Now, therefore, the Central Government, in exercise of the powers conferred by sub-section (1) read with clause (b) of the Explanation to section 35AC of the Income-tax Act, 1961 (43 of 1961), - amends the said notification number S.O.998(E) dated the 5.07. 2006, to the following effect, namely :-

In the said notification, in the Table against serial number 7, in column (4), relating to maximum amount of cost to be allowed as deduction under section 35 AC, for the letters, figures and words "Rs.100 lakh for recurring expenses and a corpus fund of Rs.4.55 crore", the letters, figures and words "Rs.11.00 crore for recurring expenses and a corpus fund of 4.55 crore" shall be substituted.

[No. 152/2015 / F.No.V. 27015/1/2015-SO (NAT.COM)]


(Makhan Lal Meena)
Deputy Secretary (National Committee)