

**GOVERNMENT OF INDIA  
FINANCE  
LOK SABHA**

UNSTARRED QUESTION NO:1631  
ANSWERED ON:22.08.2012  
OPENING OF CASES BY IT DEPARTMENT  
Dhruvanarayana Shri R.

**Will the Minister of FINANCE be pleased to state:**

- (a) whether Income Tax Department is not likely to reopen cases where assessment proceedings had been finalized before April 1, 2012;
- (b) if so, the details thereof and reasons therefor; and
- (c) the response received so far?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF FINANCE (S.S. PALANIMANICKAM)

(a) and (b) The provisions of section 147 of Income Tax Act empowers the Assessing Officer to assess or reassess any income chargeable to tax which he has reason to believe that has escaped assessment. Therefore, the possibility of reopening of cases where assessment has been finalized before April 1, 2012 would depend upon whether on the basis of the concerned facts, the Assessing Officer has reason to believe that any chargeable income has escaped assessment in that case.

However, a clarification was issued that in cases where assessment proceedings have been completed under Section 143 (3) of Income Tax Act, 1961, before the first day of April, 2012, and no notice for re-assessment has been issued prior to that date; then such cases shall not be re-opened under Section 147/148 of the Income Tax Act, 1961 on account of the clarificatory amendments in Section 2(14), 2 (47), 9 (1) (i) and 195 of the Income Tax Act, 1961 as introduced by the Finance Act, 2012.

(c) N.A in view of reply to (a) and (b) above.