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# “APPLICABILITY OF SECTION 194Q AND 206C(1H) OF INCOME TAX ACT”

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## Section 194Q [Applicable w.e.f. July 01, 2021]

### Deduction Of Tax At Source On Payment Of Certain Sum For Purchase Of Goods

- 1) Any person, being a buyer who is responsible for paying any sum to any resident (hereafter in this section referred to as the seller) for purchase of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year, shall, at the time of credit of such sum to the account of the seller or at the time of payment thereof by any mode, whichever is earlier, deduct an amount equal to 0.1 per cent of such sum exceeding fifty lakh rupees as income-tax.

**Explanation.**—For the purposes of this sub-section, "buyer" means a person whose total sales, gross receipts or turnover from the business carried on by him exceed ten crore rupees during the financial year immediately preceding the financial year in which the purchase of goods is carried out, not being a person, as the Central Government may, by notification in the Official Gazette, specify for this purpose, subject to such conditions as may be specified therein.

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## Section 194Q [Applicable w.e.f. July 01, 2021]

### Deduction Of Tax At Source On Payment Of Certain Sum For Purchase Of Goods

- 2) *Where any sum referred to in sub-section (1) is credited to any account, whether called "suspense account" or by any other name, in the books of account of the person liable to pay such income, such credit of income shall be deemed to be the credit of such income to the account of the payee and the provisions of this section shall apply accordingly.*
- 3) If any difficulty arises in giving effect to the provisions of this section, the Board may, with the previous approval of the Central Government, issue guidelines for the purpose of removing the difficulty.
- 4) Every guideline issued by the Board under sub-section (3) shall, as soon as may be after it is issued, be laid before each House of Parliament, and shall be binding on the income-tax authorities and the person liable to deduct tax.
- 5) The provisions of this section shall not apply to a transaction on which—
  - a. tax is deductible under any of the provisions of this Act and
  - b. tax is collectible under the provisions of section 206C other than a transaction to which sub-section (1H) of section 206C applies

Any person, being a buyer who is responsible for paying any sum to any resident

Shall, at the time of credit of such sum to the account of the seller or at the time of payment thereof by any mode, whichever is earlier,

For purchase of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year

Deduct an amount equal to 0.1 per cent of such sum exceeding fifty lakh rupees as income-tax.

Not applicable to a transaction on which T.D.S. has been done on any other provisions and T.C.S. is done on transaction other than 206C(1H)

# Section 194Q ~ Key Points to Consider

1. T.D.S. U/s. 194Q Applicable w.e.f. July 01, 2021.
2. Turnover of Buyer should be exceeding ₹ 10 crore in preceding financial year.
3. Tax is to be deducted by the buyer of goods @ 0.1 %. The tax shall be deducted of the aggregate purchase value exceeding ₹ 50 lakh. T.D.S. to be made on the amount which is in excess of ₹ 50 lakh. (For the F.Y. 2021-22, the quantum of purchases to be calculated w.e.f. 1<sup>st</sup> April 2021 for the purpose of arriving at figure of purchases of ₹ 50 lakh).
4. Tax to be deducted at the time of Payment or Credit whichever is earlier. T.D.S. is to be done on advance payment also.
5. If the seller does not furnish P.A.N. Tax to be deducted by the buyer of goods at 5.00 %
6. Seller should be Resident.
7. Goods can be of any nature, i.e. purchase in the nature of revenue nature or capital goods.
8. No amendment made in Section 197/197A, accordingly the seller does not have the option to apply for lower tax deduction or to file declaration for NIL deduction in respect of transactions covered U/s. 194Q.

## Section 194Q ~ Non Applicability

1. The total sales, gross receipts or turnover from the business does not exceed ₹ 10 Crores.
2. If the total sales, gross receipts or turnover from the business exceeds ₹ 10 Crores, but there is no purchase exceeding of ₹ 50 lakh from a single buyer.
3. T.D.S. on goods and **NOT** on services.
4. If T.D.S. / T.C.S. [Except U/s. 206C (1H)] on such transaction, under any other Section of Income-tax, is applicable.
5. Purchases made upto 30<sup>th</sup> June 2021 (Applicable for F.Y. 2021-22)

# Section 194Q ~ Transaction Flow



# Section 194Q ~ Practical Examples

## Example 1:-

- ❖ Goods worth ₹ 60 lakh purchased in July 2021
- ✓ T.D.S. to be deducted U/s. 194Q @ 0.1% on ₹ 10 lakh. (i.e. 60-50, ₹ 1,000/-)

## Example 2:-

- ❖ Goods worth ₹ 60 lakh purchased in June 2021 and payment of ₹ 55 lakh made in July 2021.
- ✓ No T.D.S. as Section 194Q is applicable from 1<sup>st</sup> July 2021. However, T.C.S. U/s. 206C (1H) will be applicable on receipt of ₹ 5 lakh (i.e. 55-50, ₹ 500) if turnover of the seller exceeds ₹ 10 Crore in F. Y. 2020-21.

## Example 3:-

- ❖ Goods worth ₹ 60 lakh purchased in April 2021 and payment of ₹ 60 lakh made in June 2021.
- ✓ No T.D.S. as Section 194Q is applicable from 1<sup>st</sup> July 2021.
- ✓ However, T.C.S. U/s. 206C (1H) will be applicable on receipt of ₹ 10 lakh (i.e. 60-50, ₹ 1,000) if turnover of the seller exceeds ₹ 10 Crore in F.Y. 2020-21.



# Section 194Q ~ Practical Examples

## Example 4:-

- ❖ Goods worth ₹ 60 lakh purchased during April 2021 to June 2021. In July 2021 goods worth ₹ 5 lakh are purchased.
- ✓ T.D.S. U/s. 194Q is to be deducted on ₹ 5 lakh (₹ 500), The reason being Section 194Q is applicable from 1<sup>st</sup> July 2021 onwards and the aggregate purchase of ₹ 50 lakh has already been crossed till June 2021.

## Example 5:-

- ❖ Goods worth ₹ 45 lakh purchased during April 2021 to June 2021. In July 2021 goods worth ₹ 8 lakh purchased.
- ✓ T.D.S. U/s. 194Q to be deducted on ₹ 3 lakh (i.e.  $45+8-50$ , ₹ 300/-). Reason, aggregate purchase of ₹ 50 lakh crossed in July 2021.

# Section 194Q ~ Practical Examples

## Example 6:-

- ❖ Goods worth ₹ 30 lakh purchased during April 2021 to June 2021. On 1<sup>st</sup> July 2021 goods worth ₹ 10 lakh purchased and on 10<sup>th</sup> July 2021 goods worth ₹ 18 lakhs purchased.
- ✓ T.D.S. U/s. 194Q is to be deducted on ₹ 8 lakh (i.e. 30+10+18-50, ₹ 800/-). The reason being aggregate purchase of ₹ 50 lakh is crossed on 10<sup>th</sup> July 2021.

## Example 7:-

- ❖ “A & Co.” paid ₹ 60 lakh advance in June 2021 to “B & Co.”. “B & Co.” delivered goods in July 2021. Whether T.D.S. U/s. 194Q required to be done on ₹ 60 lakh?
- ✓ No as 194Q is applicable from 1<sup>st</sup> July 2021 so not. However 206C (1H) may be applicable on ₹ 60 lakh if turnover of “B & Co.” is exceeding ₹ 10 crore in F.Y. 2020-21.
- ✓ Point of Taxation is date of payment or date of credit whichever is earlier. In referred scenario, one of the triggering event occurred before the point of taxation and ideally tax should not be deductible.
- ✓ Department may want to take contrary view, therefore to avoid litigation and follow prudence measure it's advisable to deduct T.D.S. on such sum. C.B.D.T. needs to clarify the issue.

## Section 206C (1H) [Applicable w.e.f. October 01, 2020] Tax Collected At Source On Sale Of Goods

Every person, being a seller, who receives any amount as consideration for sale of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year, other than the goods being exported out of India or goods covered in sub-section (1) or sub-section (1F) or sub-section (1G) shall, at the time of receipt of such amount, collect from the buyer, a sum equal to 0.1 per cent of the sale consideration exceeding fifty lakh rupees as income-tax:

**Provided** that if the buyer has not provided the Permanent Account Number or the Aadhaar number to the seller, then the provisions of clause (ii) of sub-section (1) of section 206CC shall be read as if for the words “five per cent.”, the words “one per cent.” had been substituted:

**Provided further** that the provisions of this sub-section shall not apply, if the buyer is liable to deduct tax at source under any other provision of this Act on the goods purchased by him from the seller and has deducted such amount.

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## Section 206C (1H) [Applicable w.e.f. October 01, 2020] Tax Collected At Source On Sale Of Goods

*Explanation.--For the purposes of this sub-section,--*

- a) “buyer” means a person who purchases any goods, but does not include,-*
  - A. the Central Government, a State Government, an embassy, a High Commission, legation, commission, consulate and the trade representation of a foreign State; or*
  - B. a local authority as defined in the Explanation to clause (20) of section 10; or*
  - C. a person importing goods into India or any other person as the Central Government may, by notification in the Official Gazette, specify for this purpose, subject to such conditions as may be specified therein;*
- b) “seller” means a person whose total sales, gross receipts or turnover from the business carried on by him exceed ten crore rupees during the financial year immediately preceding the financial year in which the sale of goods is carried out, not being a person as the Central Government may, by notification in the Official Gazette, specify for this purpose, subject to such conditions as may be specified therein.*

*Every person, being a seller*

*who receives any amount as consideration for sale of any goods*

*of the value or aggregate of such value exceeding fifty lakh rupees in any previous year, other than the goods being exported out of India or goods covered in sub-section (1) or sub-section (1F) or sub-section (1G)*

*shall, at the time of receipt of such amount, collect from the buyer, a sum equal to 0.1 per cent of the sale consideration exceeding fifty lakh rupees as income-tax*

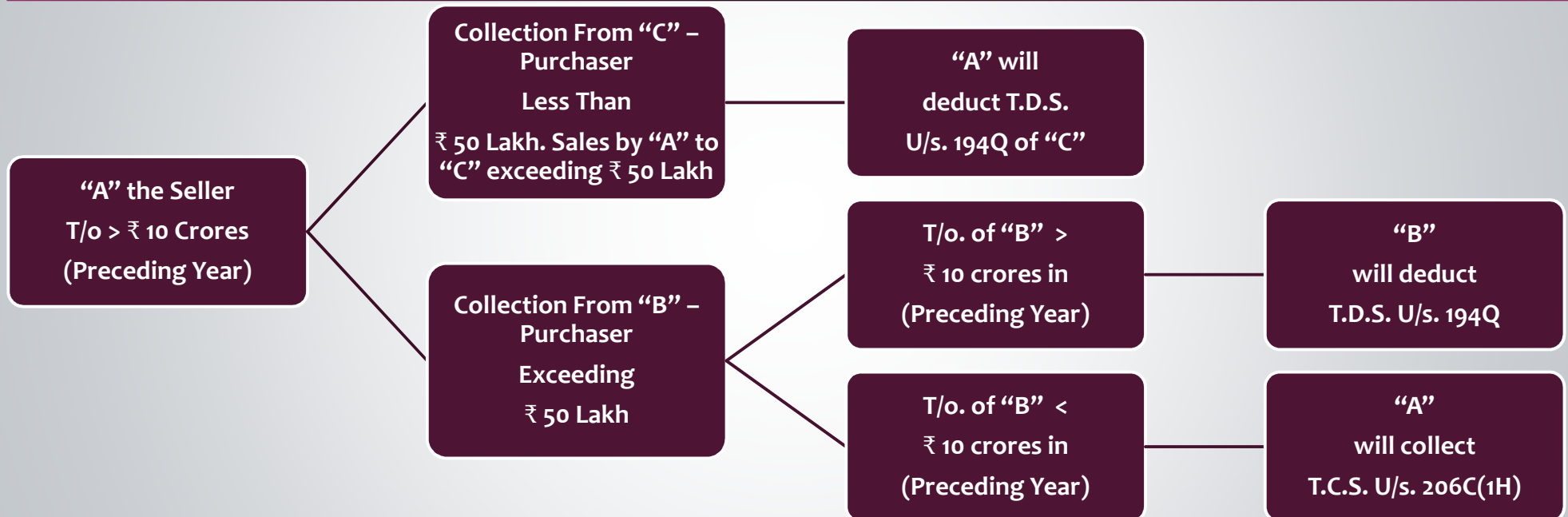
## Section 206C (1H) ~ Key Points to Consider

1. T.C.S. U/s. 206C (1H) is already applicable w.e.f. October 01, 2020.
2. Turnover of Seller should be exceeding ₹ 10 crore in preceding financial year.
3. Tax to be collected by the seller of goods @ 0.1%.
4. The tax shall be collected on the consideration for sale of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year. (For F.Y. 2021-22, the quantum of consideration of sales to be calculated w.e.f. 1<sup>st</sup> April 2021 for the purpose of arriving at figure of ₹ 50 lakh).
5. Tax is to be collected at the time of receipt of sales consideration. It will also apply to advance consideration received after October 01, 2020.
6. If the purchaser does not furnish P.A.N. Tax to be collected by the seller of goods at 5.00 %.
7. Purchaser should be Resident.
8. Goods can be of any nature, i.e. sale in the nature of revenue nature or capital goods.
9. No amendment made in Section 197/197A, accordingly the seller does not have the option to apply for lower tax deduction or to file declaration for NIL deduction in respect of transactions covered under Section 206(1H).

## Section 206C (1H) ~ Non Applicability

1. The total sales, gross receipts or turnover from the business does not exceed ₹ 10 Crores.
2. If the total sales, gross receipts or turnover from the business exceeds ₹ 10 Crores, but there is no receipt of sales consideration exceeding of ₹ 50 lakh from single buyer.
3. “buyer” does not include the Central Government, a State Government, an embassy, a High Commission, legation, commission, consulate and the trade representation of a foreign State, local authority as defined in the Explanation to clause (20) of section 10, an importer, any other person as the Central Government may, by notification in the Official Gazette, specify for this purpose.
4. Not applicable on sub-section (1) or sub-section (1F) or sub-section (1G) of Section 206C. Section 206C(1) is regarding T.C.S. on alcoholic liquor for human consumption, tendu leaves, timber obtained under a forest lease, timber obtained by any mode other than under a forest lease, any other forest produce not being timber or tendu leaves, scrap, minerals, being coal or lignite or iron ore. Section 206C(1F) is regarding T.C.S. on sale of a motor vehicle of the value exceeding ten lakh rupees. Section 206C(1G) (a) is regarding authorized dealer, who receives an amount for remittance out of India and Section 206(1G)(b) being a seller of an overseas tour program package.
5. No T.C.S. on consideration received towards services given.
6. If T.C.S. is done under *sub-section (1) or sub-section (1F) or sub-section (1G) Of Section 206.*

# Transaction Flow ~ 194Q & 206 C(1H)





# Section 206C(1H) ~ Practical Examples

## Example 1:-

- ❖ Sales of “A & Co.” during financial year 2020-21 is ₹ 15 crores.
- ✓ Provisions of T.C.S. U/s. 206C (1H) will be applicable in F.Y. 2021-22.
- ✓ “A & Co.” has received ₹ 40 lakh from “B & Co.” in F.Y. 2021-22 towards sales done during F.Y. 2020-21 and / or F.Y. 2021-22. No provisions of T.C.S. will be applicable as aggregate of such value does not exceed ₹ 50 lakh

## Example 2:-

- ❖ Sales of “A & Co.” during F.Y. 2020-21 is ₹ 15 crores.
- ✓ Provisions of T.C.S. U/s. 206C (1H) will be applicable in F.Y. 2021-22.
- ✓ “A & Co.” has received ₹ 70 lakh from “B & Co.” in F.Y. 2021-22 towards sales done during F.Y. 2020-21 and / or F.Y. 2021-22. Provisions of T.C.S. will be applicable as aggregate of such value exceeds ₹ 50 lakh. T.C.S. U/s. 206C (1H) will be applicable on ₹ 20 lakh (i.e. 70-50, ₹ 2,000).

# Distinction Between Section 194Q & 206C(1H)

Particulars	Section 194Q	Section 206C (1H)
Effective Date	01-07-2021	01-10-2020
Obligation On	Buyer	Seller
Turnover Boundary	The total sales, gross receipts or turnover of the buyer from the business should exceed ₹10 crores during the financial year immediately preceding the financial year in which such goods are purchased	The total sales, gross receipts or turnover of the collector from the business should exceed ₹10 crores during the financial year immediately preceding the financial year in which such goods are sold
Threshold Limit	Value of purchase exceeds ₹ 50 lakh	Receipt of Sales consideration exceeds ₹ 50 lakh

## Distinction Between Section 194Q & 206C(1H)

Particulars	Section 194Q	Section 206C (1H)
Rate of Tax Deduction / Collection	0.1%	0.1%
Time of Deduction / Collection	At the time of credit or payment, whichever is earlier	At the time of receipt
Overriding Provision	Purchaser needs to deduct the T.D.S. If both the provisions are simultaneous applicable	Seller needs to collect T.C.S. only if purchaser is not liable to deduct T.D.S.

## Similarity Between Section 194Q & 206C(1H)

1. Both the Sections are applicable if Turnover exceeds ₹ 10 crores in any previous year. (Suppose turnover of ₹ 10 crores exceeds in F.Y. 2020-21, provisions of both the sections will be applicable in F.Y. 2021-22 subject to other conditions being satisfied)
2. Applicable on goods only i.e. 194Q applicable on Purchase of goods and 206C (1H) is applicable on sales consideration received towards sales of goods.
3. Liability for T.D.S. and T.C.S. both triggers after aggregate limit of ₹ 50 lakh.
4. Both the Sections are mutually exclusive. (Both cannot simultaneously occur).
5. Section 194Q prevails 206C (1H) (However if the purchaser does not deduct or fails to deduct T.D.S. U/s. 194Q, it will duty of seller to collect T.C.S. as per provisions U/s. 206C (1H).

## Section 194Q & 206 C(1H) ~ Practical Examples

Particulars	Case 1	Case 2	Case 3	Case 4
Turnover of Seller X	₹ 9 Crore	₹ 14 Crore	₹ 13 Crore	₹ 13 Crore
Turnover of Purchaser Y	₹ 14 Crore	₹ 9 Crore	₹ 13 Crore	₹ 13 Crore
Sales For X Purchase For Y	₹ 80 Lakh	₹ 80 Lakh	₹ 80 Lakh	₹ 60 Lakh
Sales Consideration paid by Y To X	₹ 60 Lakh	₹ 60 Lakh	₹ 60 Lakh	₹ 80 Lakh
Whether T.D.S. or T.C.S. will be done?	T.D.S.	T.C.S.	T.D.S.	BOTH
Applicable Section	194Q	206C(1H)	194Q	194Q & 206C(1H)
Amount On Which T.D.S. to be done	₹ 30 Lakh (80-50)		₹ 30 Lakh (80-50)	₹ 10 Lakh (60-50)
Amount On Which T.C.S. to be done		₹ 10 Lakh (60-50)		₹ 20 Lakh (80-50-10)

## *Section 206AB [Applicable w.e.f. July 01, 2021]*

### *Special Provision For Deduction Of Tax At Source For Non-filers Of Income-tax Return*

- 1) Notwithstanding anything contained in any other provisions of this Act, where tax is required to be deducted at source under the provisions of Chapter XVIIIB, other than sections 192, 192A, 194B, 194BB, 194LBC or 194N on any sum or income or amount paid, or payable or credited, by a person (hereafter referred to as deductee) to a specified person, the tax shall be deducted at the higher of the following rates, namely:—
  - i. at twice the rate specified in the relevant provision of the Act; or*
  - ii. at twice the rate or rates in force; or*
  - iii. at the rate of five per cent.**
- 2) If the provisions of section 206AA is applicable to a specified person, in addition to the provision of this section, the tax shall be deducted at higher of the two rates provided in this section and in section 206AA.*

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## Section 206AB [Applicable w.e.f. July 01, 2021]

### Special Provision For Deduction Of Tax At Source For Non-filers Of Income-tax Return

- 3) For the purposes of this section “specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be deducted, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years:

*Provided that the specified person shall not include a non-resident who does not have a permanent establishment in India.*

Explanation.—For the purposes of this sub-section, the expression “permanent establishment” includes a fixed place of business through which the business of the enterprise is wholly or partly carried on.

Where tax is required to be deducted at source under the provisions of Chapter XVIIIB, other than sections 192, 192A, 194B, 194BB, 194LBC or 194N on any sum / income / amount paid / payable / credited, by deductee to a specified person

“specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be deducted, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and

the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years:

tax shall be deducted at the higher of the following rates, namely:—  
(i) at twice the rate specified in the relevant provision of the Act; or (ii) at twice the rate or rates in force; or (iii) at the rate of five per cent..



## Section 206AB ~ Key Points to Consider

1. “Specified person” defined- both conditions to be satisfied --
  - a. A person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be deducted, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; And
  - b. The aggregate of T.D.S. and T.C.S. in his case is ₹ 50,000/- or more in each of these two previous years.
- **Note:** Specified person shall not include a non-resident who does not have a permanent establishment in India.

## Section 206AB ~ Key Points to Consider

2. Section 206AB Not applicable if T.D.S. is deductible –
  - a. U/s. 192- Salary
  - b. U/s. 192A- Payment of premature accumulated (PF) balance due to an employee
  - c. U/s. 194B- Winnings from lottery or crossword puzzle
  - d. U/s. 194BB- Winning from horse race
  - e. U/s. 194LBC- Income against investment in the securitization trust.
  - f. U/s. 194N- Payments of certain amount/ amounts in cash

## Section 206AB ~ Key Points to Consider

3. If T.D.S. (other than under 5 specified sections) is required to be made on any payments made (including payable or credited) to a specified person, the tax shall be deducted at higher of the following rates-
  - a. at twice the rate specified in the relevant provision of the Act; or
  - b. at twice the rate or rates in force; or
  - c. at the rate of five per cent
4. In case the specified person fails to furnish his PAN to the deductor (Section 206AA), and Section 206AB is also applicable, the tax shall be deducted at higher of the two rates provided in Section 206AB and in Section 206AA.

# Section 206AB ~ Practical Examples

## Example 1:-

- ❖ “A & Co.” purchases goods worth ₹ 80 lakh in July 2021 from “B & Co.”.
- ❖ “B & Co.” have not filed return of income for both the F.Y. 2018-19 and F.Y. 2019-20 relevant to A.Y. 2019-20 and A.Y. 2020-21 respectfully and
- ✓ T.D.S. and T.C.S. for both F.Y. 2018-19 and F.Y. 2019-20 is exceeding ₹ 50,000 than
- ✓ T.D.S. U/s. 194Q shall be done at **5.00** % instead of 0.1 %
- ❑ **Note:-** We need to consider the expired 139(1) of exactly two previous years on the date of deduction. As we have taken July 2021 in above example we will consider exactly two previous years. All the four conditions are cumulative.

## Section 206CCA [Applicable w.e.f. July 01, 2021]

### Special provision for collection of tax at source for non-filers of income-tax return

1. Notwithstanding anything contained in any other provisions of this Act, where tax is required to be collected at source under the provisions of Chapter XVII-BB, on any sum or amount received by a person (hereafter referred to as collectee) from a specified person, the tax shall be collected at the higher of the following two rates, namely:–
  - i. at twice the rate specified in the relevant provision of the Act; or
  - ii. at the rate of five per cent.
2. If the provisions of section 206CC is applicable to a specified person, in addition to the provisions of this section, the tax shall be collected at higher of the two rates provided in this section and in section 206CC.
3. For the purposes of this section “specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be collected, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years: Provided that the specified person shall not include a non-resident who does not have a permanent establishment in India.

*where tax is required to be collected under the provisions of Chapter XVII-BB on any sum or amount received by a collectee*

*“specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be collected, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and*

*the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years:*

*tax shall be collected at the higher of the following rates, namely:—*  
*(i) at twice the rate specified in the relevant provision of the Act; or*  
*(ii) at the rate of five per cent.*

# Section 206CCA ~ Key Points to Consider

1. “Specified person” defined both condition to be satisfied --
  - a. A person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be collected, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and
  - b. The aggregate of T.D.S. and T.C.S. in this case is ₹ 50,000/- or more in each of these two previous years.

**Note:** specified person shall not include a non-resident who does not have a permanent establishment in India.

2. If T.C.S. is required to be collected from specified person, the tax shall be collected at higher of the following rates-
  - a. at twice the rate specified in the relevant provision of the Act;
  - b. at the rate of five per cent

## *Section 206CCA ~ Key Points to Consider*

3. In case the specified person fails to furnish his PAN to the collector (Section 206CC), and Section 206CCA is also applicable, the tax shall be collected at higher of the two rates provided in Section 206CCA and in Section 206CC.



# Section 206CCA ~ Practical Examples

## Example 1:-

- ❖ “A & Co.” the purchaser has paid ₹ 80 lakh in July 2021 to “B & Co.” the seller towards consideration of goods purchased.
- ✓ “A & Co.” have not filed return of income for both the F.Y. 2018-19 and F.Y. 2019-20 relevant to A.Y. 2019-20 and A.Y. 2020-21 respectively and T.D.S. and T.C.S. for both F.Y. 2018-19 and F.Y. 2019-20 is exceeding ₹ 50,000 than
- ✓ T.D.S. U/s. 194Q shall be done at 5.00 % instead of 0.1 %
- ❑ **Note:-** We need to consider the expired 139(1) of exactly two previous years on the date of collection. As we have taken July 2021 in above example we will consider exactly two previous years. All the four conditions are cumulative.

# Section 206AB & Section 206CCA ~ Practical Examples

## Example 1:-

- ❖ Date on which T.D.S. / T.C.S. liability arises is **01/08/2021**.
- ❖ Preceding two years where due date for filing return of income is expired will be:-
  - ✓ F.Y. 2019-20 and F.Y. 2018-19
- ❖ Whether Return Filed?
  - ✓ F.Y. 2019-20 – **Yes** and F.Y. 2018-19 – **No**
- Neither Section 206AB / 206CCA will be applicable as such deductee or collectee is not specified person because they have filed return in one such previous year.
- Section 206AB / 206CCA is applicable only if return is not filed in both the preceding previous years for which due date has expired.

# Section 206AB & Section 206CCA ~ Practical Examples

## Example 2:-

- ❖ Date on which T.D.S. / T.C.S. liability arises is **01/12/2021**.
- ❖ Preceding two years where due date for filing return of income is expired will be:-
  - ✓ F.Y. 2020-21 and F.Y. 2019-20
- ✓ Whether Return Filed?
- ✓ F.Y. 2020-21 – **No** and F.Y. 2019-20 – **No**
- Condition 1 for applicability of Section 206AB / 206CCA is satisfied as deductee / collectee has failed to file return of income of both the preceding previous years for which due date of filing of return of income U/s. 139(1) has expired.
- T.D.S. & T.C.S. in each of these years in deductee's / collectee's case
  - ✓ F.Y. 2020-21 – 50,001 and F.Y. 2019-20 – 45,000
- Condition 2 for applicability of Section 206AB / 206CCA is not satisfied as such deductee / collectee is not specified person as aggregate of T.D.S. & T.C.S. deduction in each of two preceding previous year in their case does not exceed ₹ 50,000/-

# Section 206AB & Section 206CCA ~ Practical Examples

## Example 3:-

- ❖ Date on which T.D.S. / T.C.S. liability arises is **01/12/2021**.
- ❖ Preceding two years where due date for filing return of income is expired will be:-
  - ✓ F.Y. 2020-21 and F.Y. 2019-20
- Whether Return Filed?
  - ✓ F.Y. 2020-21 – **No** and F.Y. 2019-20 – **No**
- Condition 1 for applicability of Section 206AB / 206CCA is satisfied as deductee / collectee has failed to file return of income of both the preceding previous years for which due date of filing of return of income U/s. 139(1) has expired.
- T.D.S. & T.C.S. in each of these years in deductee's / collectee's case
  - ✓ F.Y. 2020-21 – 50,001 and F.Y. 2019-20 – 50,001
- ✓ Condition 2 for applicability of Section 206AB / 206CCA is also satisfied as such deductee / collectee becomes a specified person because aggregate of T.D.S. & T.C.S. deduction in each of two preceding previous years also exceeds ₹ 50,000/-

# Consequences Of Non Compliance ~ Disallowance of Expenses

## ➤ Section 40(a)(ia) – [Disallowance Of Expenses]

thirty per cent of any sum payable to a resident, on which tax is deductible at source under Chapter XVIIIB and such tax has not been deducted or, after deduction, has not been paid on or before the due date specified in sub-section (1) of section 139.

[Provided that where in respect of any such sum, tax has been deducted in any subsequent year, or has been deducted during the previous year but paid after the due date specified in sub-section (1) of section 139, thirty per cent of such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid]

[Provided further that where an assessee fails to deduct the whole or any part of the tax in accordance with the provisions of Chapter XVII-B on any such sum but is not deemed to be an assessee in default under the first proviso to sub-section (1) of section 201, then, for the purpose of this sub-clause, it shall be deemed that the assessee has deducted and paid the tax on such sum on the date of furnishing of return of income by the payee referred to in the said proviso.]

## Section 40(a)(ia) ~ Key Points to Consider

- Failure to deduct tax.
- Having deducted, failure to pay the tax deducted within the dates prescribed or before the due date of filing the return of income U/s. 139(1).
- Results in disallowance of expenditure to the extent of 30.00 % of such expenditure on which T.D.S. not done.
- If tax is deducted & paid in the subsequent year, or paid after the end of the previous year but after due date of return U/s. 139(1) then expenditure is deductible in that year.

# Consequences Of Non Compliance ~ Interest Liability

## ➤ Section 201(1A) Interest To Paid

Without prejudice to the provisions of sub-section (1), if any such person, principal officer or company as is referred to in that sub-section does not deduct the whole or any part of the tax or after deducting fails to pay the tax as required by or under this Act, he or it shall be liable to pay simple interest,—

- i. at one per cent for every month or part of a month on the amount of such tax from the date on which such tax was deductible to the date on which such tax is deducted; and
- ii. at one and one-half per cent for every month or part of a month on the amount of such tax from the date on which such tax was deducted to the date on which such tax is actually paid,

and such interest shall be paid before furnishing the statement in accordance with the provisions of sub-section (3) of section 200:

**Provided** that in case any person, including the principal officer of a company fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a payee or on the sum credited to the account of a payee but is not deemed to be an assessee in default under the first proviso to sub-section (1), the interest under clause (i) shall be payable from the date on which such tax was deductible to the date of furnishing of return of income by such payee

## Section 201(1A) ~ Key Points to Consider

- If an assessee fails to deduct tax at source or having deducted fails to pay, then such person shall be deemed to be an assessee in default.
- Simple interest U/s. 201 (1A) at the rate of 1% or 1.5% shall be payable who does not deduct or after deducting fails to pay the tax.
- Interest to be paid from the date on which such tax was deducted to the date on which such tax is actually paid.



# Consequences Of Non Compliance ~ Penalty

## ➤ Section 221 Penalty payable when tax in default.

1. When an assessee is in default or is deemed to be in default in making a payment of tax, he shall, in addition to the amount of the arrears and the amount of interest payable under sub-section (2) of section 220, be liable, by way of penalty, to pay such amount as the Assessing Officer may direct, and in the case of a continuing default, such further amount or amounts as the Assessing Officer may, from time to time, direct, so, however, that the total amount of penalty does not exceed the amount of tax in arrears :
  - **Provided** that before levying any such penalty, the assessee shall be given a reasonable opportunity of being heard :
  - **Provided further** that where the assessee proves to the satisfaction of the Assessing Officer that the default was for good and sufficient reasons, no penalty shall be levied under this section.

## Section 221 ~ Key Points to Consider

- Penalty U/s. 221 is payable when an assessee is in default or is deemed to be in default in making the payment of tax and fails to pay the tax.
- The Assessing Officer may direct an amount of penalty payable.
- The total amount of penalty shall not exceed the amount of tax in arrears.
- The assessee shall be given a reasonable opportunity of being heard.
- No penalty shall be levied where the assessee proves to the satisfaction of the Assessing Officer that the default was for good and sufficient reasons.

# Consequences Of Non Compliance ~ T.D.S. ~ Penalty

➤ **Section 271C Penalty for failure to deduct tax at source.**

1) If any person fails to—

a. deduct the whole or any part of the tax as required by or under the provisions of Chapter XVII-B; or

b. pay the whole or any part of the tax as required by or under—

i. sub-section (2) of section 115-O; or

ii. the second proviso to section 194B,

then, such person shall be liable to pay, by way of penalty, a sum equal to the amount of tax which such person failed to deduct or pay as aforesaid.

2) Any penalty imposable under sub-section (1) shall be imposed by the Joint Commissioner.

## Section 271C ~ Key Points to Consider

- Failure to deduct the whole or any part of the tax
  - As required under the provisions of Chapter XVIIIB, or
  - As required under section 115 -O(2) or
  - As per second proviso to section 194B
- Penalty of the sum equal to the amount of tax which was required to be deducted or paid shall be payable.
- Any penalty imposable shall be imposed by the Joint Commissioner.

# Consequences Of Non Compliance ~ T.D.S. ~ Prosecution

➤ **Section 276B Failure to pay tax to the credit of Central Government under Chapter XII-D or XVII-B.**

If a person fails to pay to the credit of the Central Government,-

- a. the tax deducted at source by him as required by or under the provisions of Chapter XVII-B; or
- b. the tax payable by him, as required by or under—
  - i. sub-section (2) of section 115-O; or
  - ii. the second proviso to section 194B,

he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

## *Section 276B ~ Key Points to Consider*

- Failure to pay to the credit of the Central Government, the tax deducted by him as required under the provisions of Chapter XVII-B. or
- Punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

# Consequences Of Non Compliance ~ T.C.S. ~ Penalty

➤ **Section 271CA Penalty for failure to collect tax at source.**

- 1) If any person fails to collect the whole or any part of the tax as required by or under the provisions of Chapter XVII-BB, then, such person shall be liable to pay, by way of penalty, a sum equal to the amount of tax which such person failed to collect as aforesaid.
- 2) Any penalty imposable under sub-section (1) shall be imposed by the Joint Commissioner.

## *Section 271CA ~ Key Points to Consider*

- Failure to collect the whole or any part of the tax under the provisions of Chapter XVIIIBB.
- Penalty of the sum equal to the amount of tax which was failed to be collected shall be payable .
- Any penalty imposable under sub-section (1) shall be imposed by the Joint Commissioner.



# Consequences Of Non Compliance ~ T.C.S. ~ Prosecution

➤ **Section 276BB Failure to pay the tax collected at source.**

If a person fails to pay to the credit of the Central Government, the tax collected by him as required under the provisions of section 206C, he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

## *Section 276BB ~ Key Points to Consider*

- Failure to pay to the credit of the Central Government, the tax collected by him as required under the provisions of section 206C
- Punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

# Grey Areas (Needs Clarifications)

## ❖ Definition of Goods

- ✓ The Sale of Goods Act, 1930 is a specific statute which deals with the sale of goods. Thus, the definition of term “goods” can be referred to from the Sale of Goods Act 1930.

## ❖ Calculation Of Turnover

- ✓ Turnover as nowhere defined in the Section. Accordingly we may apply the method what we adopt for Accounting & Tax Audit Purpose.

## ❖ T.D.S. to be done On G.S.T. Part?

- ✓ Refer Circular No. 23/17 dated 19 July 2017 & Circular No. 17 dated 29 September 2020.
- ✓ Deduct T.D.S. including GST component thereof, to avoid penal consequences and short deductions.

# Grey Areas (Needs Clarifications)

## ❖ T.D.S. On Electricity

- ✓ Electricity is regarded as goods. The CBDT has clarified that the transaction in electricity, renewable energy certificates and energy-saving certificates traded through power exchanges registered under Regulation 21 of the CERC shall be out of the scope of TCS under the provision of Section 206C(1H).

## ❖ T.D.S. On Purchase of Software

- ✓ The Supreme Court in its landmark decision of Tata Consultancy Services v. State of A.P [2004] 141 Taxman 132 (SC) held that Canned software (off the shelf computer software) are 'goods' and as such assessable to sales tax.
- ✓ Hence, T.D.S. shall be decided on the basis whether the purchase of software is 'purchase of goods' or 'purchase of service'. If the same is treated as a purchase of service, provisions of Section 194J or 195 may apply and if it is treated as a purchase of goods provisions of Section 194JQ may apply.

# Grey Areas (Needs Clarifications)

## ❖ Transaction in securities through stock exchanges

- ✓ C.B.D.T. has, vide Circular No. 17 of 2020, clarified that provisions of Section 206C(1H) shall not be applicable in relation to transactions in securities (and commodities) which are traded through recognised stock exchanges or cleared and settled by the recognised clearing corporation, including recognised stock exchanges or recognised clearing corporations located in International Financial Service Centre (IFSC).

## ❖ Provision For Purchase Returns Etc.

- ✓ *Refer Circular No. 17 dated 29 September 2020.*
- ✓ *It is clarified with reference to Section 206(1H), no adjustment on account of sale return or discount or indirect taxes including G.S.T. is required to be made for collection of tax*
- ✓ *There are no such clarification on purchase return done for the purpose of Section 194Q.*



**THANK YOU**

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**CIRCULAR No. 23 / 2017**

F. No. 275/59/2012-IT (B)  
Government of India/ भारत सरकार  
Ministry of Finance/ वित्त मंत्रालय  
Department of Revenue/(राजस्व विभाग)  
Central Board of Direct Taxes/(केन्द्रीय प्रत्यक्ष कर बोर्ड)

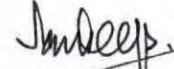
North Block, New Delhi  
19<sup>th</sup> July, 2017

**Subject: Modification of Circular No. 1 of 2014 in view of substitution of Service Tax by Goods and Services Tax (GST).**

The Central Board of Direct Taxes (the Board) had earlier issued Circular No. 1/2014 dated 13.01.2014 clarifying that wherever in terms of the agreement or contract between the payer and the payee, the Service Tax component comprised in the amount payable to a resident is indicated separately, tax shall be deducted at source under Chapter XVII-B of the Income-tax Act, 1961 (the Act) on the amount paid or payable without including such Service Tax component.

2. References have been received in the Board seeking clarification as to what treatment would be required to be given to the component of Goods and Services Tax (GST) on services, which has been introduced by the Government with effect from 1<sup>st</sup> of July, 2017 and into which the erstwhile Service Tax has been subsumed.
3. The matter has been examined. It is noted that the Government has brought in force a new Goods and Services Tax regime with effect from 01.07.2017 replacing, amongst others, the Service Tax which was being charged prior to this date as per the provisions of Finance Act, 1994. Therefore, there is a need to harmonize the contents of Circular No.1/ 2014 of the Board with the new system for taxation of services under the GST regime.
4. In the light of the fact that even under the new GST regime, the rationale of excluding the tax component from the purview of TDS remains valid, the Board hereby clarifies that wherever in terms of the agreement or contract between the payer and the payee, the component of 'GST on services' comprised in the amount payable to a resident is indicated separately, tax shall be deducted at source under Chapter XVII-B of the Act on the amount paid or payable without including such 'GST on services' component. GST for these purposes shall include Integrated Goods and Services Tax, Central Goods and Services Tax, State Goods and Services Tax and Union Territory Goods and Services Tax.

5. For the purposes of this Circular, any reference to 'service tax' in an existing agreement or contract which was entered prior to 01.07.2017 shall be treated as 'GST on services' with respect to the period from 01.07.2017 onward till the expiry of such agreement or contract.
6. Hindi version shall follow.



(Sandeep Singh)

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Copy to:

1. Chairman and all Members of CBDT.
2. All Principal Chief Commissioners and Principal Directors General of Income Tax.
3. Pr. DGIT (Systems) and Pr. DGIT (Admin.).
4. All Joint Secretaries and Commissioners in CBDT.
5. Additional Directors General (TPS-I) and (PR,PP&OL).
6. Commissioner (CPC-TDS).
7. Web Managers of [irsofficersonline.gov.in](http://irsofficersonline.gov.in) and [incometaxindia.gov.in](http://incometaxindia.gov.in) for placing the Circular on the respective portal.
8. Office of Comptroller & Auditor General of India (30 copies).
9. Guard file.



**F. No.370133/22/2020-TPL**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Direct Taxes**  
**(TPL Division)**  
\*\*\*\*

**Dated: 29<sup>th</sup> September, 2020**

**Sub.: Guidelines under section 194-O (4) and section 206C (1-I) of the Income-tax Act, 1961 – reg.**

Finance Act, 2020 inserted a new section 194-O in the Income-tax Act 1961 (hereinafter referred to as “the Act”) which mandates that with effect from 1<sup>st</sup> day of October, 2020, an e-commerce operator shall deduct income-tax at the rate of one per cent (subject to the provisions of proposed section 197B of the Act) of the gross amount of sale of goods or provision of service or both, facilitated through its digital or electronic facility or platform. However, exemption from the said deduction has been provided in case of certain individuals or Hindu undivided family fulfilling specified conditions. This deduction is required to be made at the time of credit of amount of such sale or service or both to the account of an e-commerce participant or at the time of payment thereof to such e-commerce participant, whichever is earlier.

2. Finance Act, 2020 also inserted sub-section (1H) in section 206C of the Act which mandates that with effect from 1<sup>st</sup> day of October, 2020 a seller receiving an amount as consideration for sale of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year to collect tax from the buyer a sum equal to 0.1 per cent (subject to the provisions of proposed sub-section (10A) of the section 206C of the Act) of the sale consideration exceeding fifty lakh rupees as income-tax. The collection is required to be made at the time of receipt of amount of sales consideration.

3. Sub-section (4) of section 194-O and sub-section (1-I) of section 206C of the Act empowers the Board (with the approval of the Central Government) to issue guidelines for the purpose of removing difficulties. Various representations have been received by the Board for issuing guidelines for removing certain difficulties. In exercise of power contained under sub-section (4) of section 194-O of the Act and sub-section (1-I) of section 206C of the Act, the Board, with the approval of the Central Government, hereby issues the following guidelines.

**4. Guidelines**

**4.1 Applicability on transactions carried through various Exchanges:**

4.1.1 It has been represented that there are practical difficulties in implementing the provisions of Tax Deduction at Source (TDS) and Tax Collection at Source (TCS) contained in section 194-O and sub-section (1H) of section 206C of the Act in case of certain exchanges and clearing corporations. It has been stated that sometime in these transactions there is no one to one contract between the buyers and the sellers.

4.1.2 In order to remove such difficulties, it is provided that the provisions of section 194-O, and sub-section (1H) of section 206C, of the Act shall not be applicable in relation to,-

(i) transactions in securities and commodities which are traded through recognized stock exchanges or cleared and settled by the recognized clearing corporation, including recognized stock exchanges or recognized clearing corporation located in International Financial Service Centre;

(ii) transactions in electricity, renewable energy certificates and energy saving certificates traded through power exchanges registered in accordance with Regulation 21 of the CERC; and

For this purpose,-

(i) "recognized clearing corporation" shall have the meaning assigned to it in clause (i) of the *Explanation* to clause (23EE) of section 10 of the Act;

(ii) "recognized stock exchange" shall have the meaning assigned to it in clause (ii) of the *Explanation 1* to sub-section (5) of section 43 of the Act; and

(iii) "International Financial Services Centre" shall have the meaning assigned to it in clause (q) of section 2 of the Special Economic Zones Act, 2005.

#### **4.2 Applicability on payment gateway:**

4.2.1 In e-commerce transactions, the payments are generally facilitated by payment gateways. It is represented that in these transactions, there may be applicability of section 194-O twice i.e. once on e-main commerce operator who is facilitating sell of goods or provision of services or both and once on payment gateway who also happen to qualify as e-commerce operator for facilitating service. To illustrate a buyer buys goods worth one lakh rupees on e-commerce website "XYZ". He makes payment of one lakh rupees through digital platform of "ABC". On these facts liability to deduct tax under section 194-O may fall on both "XYZ" and "ABC".

4.2.2 In order to remove this difficulty, it is provided that the payment gateway will not be required to deduct tax under section 194-O of the Act on a transaction, if the tax has been deducted by the e-commerce operator under section 194-O of the Act, on the same transaction. Hence, in the above example, if "XYZ" has deducted tax under section 194-O on one lakh rupees, "ABC" will not be required to deduct tax under section 194-O of the Act on the same transaction. To facilitate proper implementation, "ABC" may take an undertaking from "XYZ" regarding deduction of tax.

#### **4.3 Applicability of on insurance agent or insurance aggregator:**

4.3.1 It has been represented that insurance agents or insurance aggregators in many cases have no involvement in transactions between insurance company and the buyer for subsequent years. It has been represented that in subsequent years, the liability to deduct tax may arise on the insurance agents or insurance aggregators even if the transactions have been completed directly with the insurance company. This may result into hardship for the insurance agents/aggregators.

4.3.2 In order to remove difficulty it is provided that in years subsequent to the first year, if the insurance agent or insurance aggregator has no involvement in transactions between insurance company and the buyer of insurance policy, he would not be liable to deduct tax under section 194-O of the Act for those subsequent years. However, the insurance company shall be required to deduct tax on commission payment, if any, made to the insurance agent or insurance aggregator for those subsequent years under the relevant provision of the Act.

#### **4.4 Calculation of threshold for the financial year 2020-21.**

4.4.1. Since both section 194-O, and sub-section (1H) of section 206C, of the Act would come into effect from 1<sup>st</sup> October, 2020, it was requested to clarify how the various thresholds specified under these

sections shall be computed and whether the tax is required to be deducted/collected in respect of amounts received before 1<sup>st</sup> October, 2020.

4.4.2 it hereby clarified that,-

(i) Since the threshold of five lakh rupees for an individual/ Hindu undivided family (being e-commerce participant who has furnished his PAN/Aadhaar) is with respect to the previous year, calculation of amount of sale or services or both for triggering deduction under section 194-O of the Act shall be counted from 1st April, 2020. Hence, if the gross amount of sale or services or both facilitated during the previous year 2020-21 (including the period up to 30<sup>th</sup> Sept 2020) in relation to such an individual/ Hindu undivided family exceeds five lakh rupees, the provision of section 194-O shall apply on any sum credited or paid on or after 1<sup>st</sup> October, 2020.

(ii) Since sub-section (1H) of section 206C of the Act applies on receipt of sale consideration, the provision of this sub-section shall not apply on any sale consideration received before 1<sup>st</sup> October 2020. Consequently it would apply on all sale consideration (including advance received for sale) received on or after 1<sup>st</sup> October 2020 even if the sale was carried out before 1<sup>st</sup> October 2020.

(iii) Since the threshold of fifty lakh rupees is with respect to the previous year, calculation of receipt of sale consideration for triggering TCS under sub-section (1H) of section 206C shall be computed from 1<sup>st</sup> April, 2020. Hence, if a person being seller has already received fifty lakh rupees or more up to 30<sup>th</sup> September 2020 from a buyer, the TCS under sub-section (1H) of section 206C shall apply on all receipt of sale consideration during the previous year, on or after 1<sup>st</sup> October 2020, from such buyer.

#### **4.5 Applicability to sale of motor vehicle:**

4.5.1 The provisions of sub-section (1F) of section 206C of the Act apply to sale of motor vehicle of the value exceeding ten lakh rupees. Sub-section (1H) of section 206C of the Act exclude from its applicability goods covered under sub-section (1F). It has been requested to clarify that whether all motor vehicles are excluded from the applicability of sub-section (1H) of section 206C of the Act.

4.5.2 In this regard it may be noted that the scope of sub-sections (1H) and (1F) are different. While sub-section (1F) is based on single sale of motor vehicle, sub-section (1H) is for receipt above 50 lakh rupee during the previous year against aggregate sale of good. While sub-section (1F) is for sale to consumer only and not to dealers, sub-section (1H) is for all sale above the threshold. Hence, in order to remove difficulty it is clarified that,-

(i) Receipt of sale consideration from a dealer would be subjected to TCS under sub-section (1H) of the Act, if such sales are not subjected to TCS under sub-section (1F) of section 206C of the Act.

(ii) In case of sale to consumer, receipt of sale consideration for sale of motor vehicle of the value of ten lakh rupees or less to a buyer would be subjected to TCS under sub-section (1H) of section 206C of the Act, if the receipt of sale consideration for such vehicles during the previous year exceeds fifty lakh rupees during the previous year.

(iii) In case of sale to consumer, receipt of sale consideration for sale of motor vehicle of the value exceeding ten lakh rupees would not be subjected to TCS under sub-section (1H) of section 206C of the Act if such sales are subjected to TCS under sub-section (1F) of section 206C of the Act,

**4.6 Adjustment for sale return, discount or indirect taxes**

4.6.1 It is requested to clarify that whether adjustment is required to be made for sales return, discount or indirect taxes including GST for the purpose of collection of tax under sub-section (1H) of section 206C of the Act. It is hereby clarified that no adjustment on account of sale return or discount or indirect taxes including GST is required to be made for collection of tax under sub-section (1H) of section 206C of the Act since the collection is made with reference to receipt of amount of sale consideration.

**4.7 Fuel supplied to non-resident airlines**

4.7.1 It is requested to clarify if the provisions of sub-section (1H) of section 206C of the Act shall apply on fuel supplied to non-resident airlines at airports in India. To remove difficulties it is provided that the provisions of sub-section (1H) of section 206C of the Act shall not apply on the sale consideration received for fuel supplied to non-resident airlines at airports in India.

*Ankit Jain*  
29.09.2020

(Ankit Jain)

Under Secretary to the Govt. of India

Copy to:

1. PS to FM/ OSD to FM/ PS to MoS(F)/ OSD to MoS(F)
2. PPS to Secretary (Revenue)
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