

F.No.285/08/2014-IT(Inv. V) / 712  
Government of India  
Ministry of Finance  
Department of Revenue  
(Central Board of Direct Taxes)

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Room No. 501, 5th Floor, C-Block,  
Dr. Shyama Prasad Mukherjee Civic Centre,  
Minto Road, New Delhi -110002.

Dated: 23.01.2020

**Subject: Clarification regarding Circular No. 24/2019 F. No. 285/08/2014-IT(Inv. V)/349 dated 09.09.2019-Reg.**

The CBDT has issued a Circular No. 24/2019 dated 09.09.2019 ('the Circular') for laying down criteria for identification and processing of cases for launching prosecution under the Income-tax Act, 1961. Clarifications have been requested with regard to the applicability of para 2(iii) of the aforesaid Circular to the cases where penalty has not yet been confirmed by the Income Tax Appellate Tribunal.

2. The matter has been examined by the CBDT and in partial modification of the Circular No. 24/2019, it is hereby clarified that the prosecution may be launched in deserving cases, including cases covered u/s 132/ 132A/ 133A, at any stage of the proceedings before an Income-tax Authority with the prior approval of the Collegium of two CCIT/DGIT rank officers as mentioned in para 3 of the Circular and the requirement of confirmation of penalty by the Income Tax Appellate Tribunal shall not apply to such cases. Accordingly, the existing para 2(iii) of the aforementioned Circular is modified as under:

" iii. **Offences u/s 276C(1) : Wilful attempt to evade tax, etc.**

*Cases where the amount sought to be evaded or tax on under-reported income is Rs. 25 lakhs or below, shall not be processed for prosecution except with the previous administrative approval of the Collegium of two CCIT/DGIT rank officers as mentioned in Para 3.*

*Further, prosecution under this section shall be launched ordinarily after the confirmation of the order imposing penalty by the Income Tax Appellate Tribunal. Further, prosecution in other cases, including cases covered u/s 132/ 132A/ 133A, may be launched at any stage of the proceedings before an Income-tax Authority, with the previous approval of the Collegium of two CCIT/DGIT rank officers as mentioned in para 3 of the Circular."*

3. Further, clarifications have also been requested regarding the applicability of the Circular to cases, where the prosecution has already been launched before the date of issue of the Circular. In this connection, it may be noted that in para 5 of the Circular, it is stated that the Circular shall apply to all pending cases where complaint is yet to be filed. Therefore, the Circular is applicable only those cases where the prosecution complaint is to be filed after the date of issuance of the Circular, i.e. 09.09.2019.

4. This clarification shall be read as part of the Board's Circular No. 24/2019 F. No. 285/08/2014-IT(Inv. V)/349 dated 09.09.2019.


5. The Pr. CCsIT/Pr. DGsIT/CCsIT/DGsIT are requested to circulate the above clarification among all the officers of their region for compliance.

  
23/1/20  
Deepak Tiwari

Commissioner of Income Tax (OSD)(INV.),CBDT

Copy to:

1. P.S. to Finance Minister
2. P.S. to Revenue Secretary
3. The Chairman and all the Members, CBDT
4. All the Pr. Chief Commissioners/Chief Commissioners /Pr. Director Generals/  
Director Generals of Income-tax
5. All the officers of the rank of Joint Secretary/CIT and above in the CBDT
6. The CIT (Media & Technical Policy), CBDT
7. ADG (Systems)-4/ Web Manager for placing it on [www.incometaxindia.gov.in](http://www.incometaxindia.gov.in)
8. Addl. CIT, Data Base Cell for placing it on [www.irsofficersonline.gov.in](http://www.irsofficersonline.gov.in)
9. The Guard File

  
23/1/20  
Deepak Tiwari

Commissioner of Income Tax (OSD)(INV.),CBDT