

- Offer clarifications that may be necessary.

When Survey is converted into Search

Proceedings under Section 133A, 133B and 132 are independent of each other. The object and scope of action under each of these actions is well defined. A survey can lead to search only when on the basis of the information collected in survey, conditions laid down in clause (a), (b), (c) of Section 132 (1) are satisfied. Similarly persistent failure on the part of the assessee to show cooperation with the Income Tax Authorities in the matter of survey may also result into income tax raid leading to search and seizure.

Search and Seizure

Search operations are exploratory exercise on the basis of information with the income tax department to find hidden income and wealth in cases of tax payers, who have not disclosed their true financial state of affairs in discharge of their tax obligations.

Seizure implies taking possession of assets, which have not been disclosed to the income-tax department and of accounts/documents, papers which contain details of unaccounted wealth/income not disclosed to the income tax authorities.

Thus, search and seizure is a very powerful weapon in the armory of income tax department to unearth any concealed income or valuables and to check the tendencies of tax evasion thereby mitigating the generation of black money.

When and Why Search is conducted [Sec 132(1)]

The Income Tax authority has reasons to believe that -

- When any summons or notice issued to produce books of account or other documents under section 131 or section 142(1) is not responded,
- When any summons or notice issued under section 131 or section 142(1) has been or might be issued, assessee will not or would not, produce books of account or other documents.
- When competent authority forms belief that a person is having unaccounted income in the form of cash, bullion, jewellery, etc on the basis of information in his possession.

CBDT Guideline on search and seizure

- Search and seizure should be conducted in the rarest of the rare case.
- Minimum expected disclosure is of Rs. 100 Lacs.
- Professionals of high repute are not to be searched.

Authorization of Search and Seizure

- Director General or Chief Commissioner
- Director or Commissioner

Search Seizure And Survey Issues Clarifications And Judgements

Yijin Wang



Search Seizure And Survey Ibues Clarifications And Judgements:

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Table of Contents Search Seizure And Survey Ibues Clarifications And Judgements

1. Understanding the eBook Search Seizure And Survey Ibues Clarifications And Judgements
 - The Rise of Digital Reading Search Seizure And Survey Ibues Clarifications And Judgements
 - Advantages of eBooks Over Traditional Books
2. Identifying Search Seizure And Survey Ibues Clarifications And Judgements
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Search Seizure And Survey Ibues Clarifications And Judgements
 - User-Friendly Interface
4. Exploring eBook Recommendations from Search Seizure And Survey Ibues Clarifications And Judgements
 - Personalized Recommendations
 - Search Seizure And Survey Ibues Clarifications And Judgements User Reviews and Ratings
 - Search Seizure And Survey Ibues Clarifications And Judgements and Bestseller Lists
5. Accessing Search Seizure And Survey Ibues Clarifications And Judgements Free and Paid eBooks
 - Search Seizure And Survey Ibues Clarifications And Judgements Public Domain eBooks
 - Search Seizure And Survey Ibues Clarifications And Judgements eBook Subscription Services
 - Search Seizure And Survey Ibues Clarifications And Judgements Budget-Friendly Options
6. Navigating Search Seizure And Survey Ibues Clarifications And Judgements eBook Formats

- ePub, PDF, MOBI, and More
- Search Seizure And Survey Ibues Clarifications And Judgements Compatibility with Devices
- Search Seizure And Survey Ibues Clarifications And Judgements Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Search Seizure And Survey Ibues Clarifications And Judgements
 - Highlighting and Note-Taking Search Seizure And Survey Ibues Clarifications And Judgements
 - Interactive Elements Search Seizure And Survey Ibues Clarifications And Judgements
- 8. Staying Engaged with Search Seizure And Survey Ibues Clarifications And Judgements
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Search Seizure And Survey Ibues Clarifications And Judgements
- 9. Balancing eBooks and Physical Books Search Seizure And Survey Ibues Clarifications And Judgements
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Search Seizure And Survey Ibues Clarifications And Judgements
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Search Seizure And Survey Ibues Clarifications And Judgements
 - Setting Reading Goals Search Seizure And Survey Ibues Clarifications And Judgements
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Search Seizure And Survey Ibues Clarifications And Judgements
 - Fact-Checking eBook Content of Search Seizure And Survey Ibues Clarifications And Judgements
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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