



उ.प्र. भू-सम्पदा विनियामक प्राधिकरण

राज्य नियोजन संस्थान, कालाकांकर भवन,
ओल्ड हैदराबाद, लखनऊ

Email- contactuprera@up-rera.in

Letter no.: 13297 /U.P. RERA/ 2022-23

Dt. 14 November, 2022

To,

✓ All the Promoters

Sub: Tax Deduction at source (TDS) as per the provision of section 194LA of the I.T. Act, 1961 – Advance payment regarding.

The Income Tax Department has requested U.P. RERA to instruct all the promoters of real estate projects registered in U.P. RERA to advise their buyers of the immovable property of the value of Rs. 50.00 lac and above to deduct and deposit TDS @ 1% on each payment (including advance payment) made by the buyers to the seller/developers/builders. The TDS amount is to deposited into the Central Government account as per provisions of 194 LA which is as follows:

- “(1) Any person, being a transferee, responsible for paying (other than the person referred to in section 194LA) to a resident transferor any sum by way of consideration for transfer of any immovable property (other than agricultural land), shall, at the time of credit of such sum to the account of the transferor or at the time of payment of such sum in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct an amount equal to one percent of such sum as income-tax thereon.
- (2) No deduction under sub-section (1) shall be made where the consideration for the transfer of an immovable property and the stamp duty value of such property, both, is less than fifty lakh rupees.”

The copy of the letter no.: CIT(TDS)/KNP/Misc./Rera/2022-23/854 of Commissioner of Income Tax (TDS), Kanpur in this context is enclosed for ready reference.

Enclosure- As above

(Rajesh Kumar Tyagi)

Secretary

Copy forwarded to the following for information and necessary action:

- 1 Ms. Shumana Sen, Commissioner of Income Tax (TDS), 7/119, Radiance Town, Swaroop Nagar, Kanpur – 208002
- ✓ Assistant Director (IT), U.P. RERA for uploading the above instructions alongwith the enclosure on the webportal of U.P. RERA and on promoters' dashboard.

(Rajesh Kumar Tyagi)

Secretary

भारत सरकार
वित्त मंत्रालय
कार्यालय आयकर आयुक्त (टी. डी. एस.)
7/119, रेडियंस टाउन, स्वरूप नगर,
कानपुर - 208002



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE
COMMISSIONER OF INCOME TAX
[TDS]
7/119, RADIANCE TOWN,
SWAROOP NAGAR, KANPUR - 208002
Date: 12.07.2022

F. No. CIT (TDS)/KNP/Misc./Rera/2022-23/854

To,
The Secretary,
Uttar Pradesh Real Estate Regulatory Authority,
Naveen Bhavan, Rajya Niyojan Sansthan,
Kala Kankar House, Old Hyderabad,
Lucknow - 226007

Sir,

Sub: Tax Deduction at Source (TDS) as per the provisions of section 194IA of the I.T. Act, 1961- Advance payment regarding-

Kindly refer to the above mentioned subject.

2. In this regard, it is noticed by the undersigned that most of the buyers of the immovable property of the value of Rs. 50 Lakhs and above do not deduct TDS against the advance payment made to the developers/Builders, as required under the provisions of section 194IA of the I.T. Act, 1961.

The provisions of section 194 IA is reproduced below for ready reference :-

- (1) Any person, being a transferee, responsible for paying (other than the person referred to in section 194LA) to a resident transferor any sum by way of consideration for transfer of any immovable property (other than agricultural land), shall, at the time of credit of such sum to the account of the transferor or at the time of payment of such sum in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct an amount equal to one per cent of such sum as income-tax thereon.
- (2) No deduction under sub-section (1) shall be made where the consideration for the transfer of an immovable property and the stamp duty value of such property, both, is less than fifty lakh rupees."

In view of the above, it is evident that if the value of the property exceeds Rs. 50 lakhs, then TDS @ 1% as per the provisions of section 194IA, is required to be deducted and deposited in the Central Govt. account by the buyer on each payment (including advance payment) made to the Sellers/Developers/Builders as the case may be. Therefore, you are requested to direct all the Sellers/Developers/Builders under your charge that they may advise the buyers of the immovable property to deduct and deposit TDS into the Central Govt. Account on each payment (including advance payment) made to Sellers/Developers/Builders as per the provisions of section 194IA of the Income Tax Act, 1961.

Submitted for kind consideration please.

Yours Sincerely,

(Shumana Sen)
Commissioner of Income Tax (TDS)
Kanpur

Copy to the Pr. Chief Commissioner of Income Tax, Kanpur for information.

(Shumana Sen)
Commissioner of Income Tax (TDS)
Kanpur

F.C.

(राजेश कुमार त्यागी)
1-7 सीटिव रसा

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25/07/22