

Instructions for filling up FORM ITR-8

1. Legal status of instructions

These instructions though stated to be non-statutory, may be taken as guidelines for filling the particulars in this Form. In case of any doubt, please refer to relevant provisions of the Income-tax Act, 1961 and the Income-tax Rules, 1962.

2. Assessment Year for which this Form is applicable

This Form is applicable for assessment year 2009-2010 only.

3. Who can use this Form

This Form is applicable in case of a person who is not required to furnish the return of income but is required to furnish the return of fringe benefits

4. Annexure-less Form

No document (including report of audit) should be attached to this form. Official receiving the return has been instructed to detach all documents enclosed with this form and return the same to the assessee

5. Manner of filing this Form

This Form can be submitted to the Income Tax Department in any of the following manners, -

- (i) by furnishing the return in a paper form;
- (ii) by furnishing the return electronically under digital signature;
- (iii) by transmitting the data in the return electronically and thereafter submitting the verification of the return in Form ITR-V;
- (iv) by furnishing a bar-coded paper return.

Where the form is furnished in the manner mentioned at 5(iii), you need to print out two copies of Form ITR-V. Both copies should be verified by the assessee and submitted to the Income-tax Department. The receiving official shall return one copy after affixing the stamp and seal.

6. Filling out the acknowledgement

Where the form is furnished in the manner mentioned at 5(i) or 5(iv), acknowledgement slip attached with this Form should be duly filled out.

7. Form not to be filed in duplicate

This form is not required to be filed in duplicate.

8. Intimation of processing under section 115WE(1)

The acknowledgement of the return is deemed to be the intimation of processing under section 115WE(1). No separate intimation will be sent to the taxpayer unless there is a demand or refund.

9. Codes for filling out this Form

Some of the details in this form have to be filled out by entering into the relevant codes. These are as under:-

- (i) The code (to be filled in filing status on first page) for sections under which the return is filed are as under:-

Sl.No.	How the return is filed	Code
i.	Voluntarily before the due date	21
ii.	Voluntarily after the due date	22
iii.	In response to notice under section 115WD(2)	23
iv.	In response to notice under section 115WG	24

10. BRIEF SCHEME OF THE LAW- Before filling out the form, you are advised to read the following-

- (a) Chapter XII-H of the Act relates to income-tax on fringe benefits paid or deemed to have been paid by an employer to his employees.
- (b) Section 115WB provides the list of fringe benefits provided or deemed to have been provided by an employer to his employees which are chargeable to tax. Section 115WC provides as to how to compute the value of the fringe benefits provided or deemed to have been provided.
- (c) Additional income-tax (fringe benefit tax) is required to be paid by every specified employer at the rate of thirty per cent on the value of such fringe benefits. Surcharge and Education Cess at specified rates are also to be paid on fringe benefit tax (FBT). FBT is payable by an employer even if no income-tax is payable by him on his total income
- (d) Specified employer means a company, firm, an association of persons or a body of individuals (whether incorporated or not), a local authority and every artificial juridical person. However any person eligible for exemption under section 10(23C) or registered under section 12AA or a political party registered under section 29A of the Representation of the People Act, 1951 is not chargeable to fringe benefits tax.
- (e) The Central Board of Direct Taxes had issued an exhaustive Circular No.8 / 2005 dated 29.8.2005 explaining the provisions relating to fringe benefit tax. In case of any doubt, the assessee may refer to the said circular.
- (f) The explanatory circular (No. 9 dated 20.12.2007) on Fringe Benefit Tax arising on allotment or transfer of specified securities or sweat equity shares may also be referred to, if applicable, while working out the value of fringe benefits

11. SCHEME OF THE FORM

The Scheme of this form follows the scheme of the law as outlined above in its basic form. The Form has been divided into two parts. It also has three schedules. The details of these parts and the schedules are as under:-

- (i) Part A-GEN mainly seeks general information requiring identificatory and other data
- (ii) Part-B is regarding an outline of the value of fringe benefits and tax computation thereon
- (iii) After Part B, there is –

- (a) a space for giving details of the transmission of the data of the form if the form has been furnished in accordance with the manner mentioned at instruction No.5(iii).
- (b) a space for a statutory verification.,
- (iv) There are 3 schedules details of which are as under-
 - (a) Schedule-FBI: Information regarding calculation of value of fringe benefits
 - (b) Schedule-FB: Computation of value of fringe benefits
 - (c) Schedule-FBT: Statement of payment of Fringe Benefit Tax

12. GUIDANCE FOR FILLING OUT PARTS AND SCHEDULES

(1) General

- (i) All items must be filled in the manner indicated therein; otherwise the return maybe liable to be held defective or even invalid.
- (ii) If any schedule is not applicable score across as “---NA---“.
- (iii) If any item is inapplicable, write “NA” against that item.
- (iv) Write “Nil” to denote nil figures.
- (v) For a negative figure/ figure of loss, write “-” before such figure.
- (vi) All figures should be rounded off to the nearest one rupee. However, the tax payable be finally rounded off to the nearest multiple of ten rupees.

(2) Sequence for filling out parts and schedules

- (i) Part A
- (ii) Schedules
- (iii) Part B
- (iv) Verification .

13. Part A-GEN

Most of the details to be filled out in Part-Gen of this form are self-explanatory. However, some of the details mentioned below are to be filled out as explained hereunder:-

- (a) e-mail address and phone number are optional;
- (b) In case of an individual, for “employer category”, Government category will include Central Government/ State Governments employees. PSU category will include public sector companies of Central Government and State Government;
- (c) The code for sections under which the return is filed be filled as per code given in instruction No.9(i).

14. SCHEDULES

(a) Schedule-FBI: The information in this Schedule shall enable computation of the value of fringe benefits in a case where the assessee is having business operation outside India also. Please note that even if there were no employees or business operation outside India, the details of total number of employees based in India have to be filled in row 3a of this Schedule.

(b) Schedule-FB:

- (i) This Schedule has been structured so as to compute the value of fringe benefits in a Tabular form.
- (ii) In column i, the nature of fringe benefits as provided in section 115WB in relation to which value of fringe benefits under section 115WC is to be computed has been provided.
- (iii) (a) In column ii, the amount/ value of items mentioned in column i have to be filled in.
 - (b) As mentioned in item 21 of the said Schedule, if there is no employee based outside India, the value of fringe benefits to be filled in column ii shall be same as recorded in the books of account in India.
 - (c) Further, as mentioned in item 22 of the said Schedule, if there are employees based outside India and separate books of account for Indian and foreign operations are maintained, the value of fringe benefits to be filled in column ii shall be same as recorded in the books of account in India.
 - (d) Also as mentioned in item 23 of the said schedule, if there are employees based outside India and separate books of account for Indian and foreign operations are not maintained, the value of fringe benefits to be filled in column ii shall be as per global books of account and thereafter the value of fringe benefits to be taxed in India shall be computed on proportionate basis as explained in said item 23.
 - (e) If accounts have been maintained separately for each business, column ii be filled on the basis of consolidated figures of all the businesses.
- (iv) Where the books of account are auditable under section 44AB, the value in column ii should broadly match with the value shown in the audit report under said section.
- (v) In item 4, any expenditure on or payment for food and beverages provided by the employer to his employees in office or factory or any payment through non-transferable paid vouchers usable only at eating joints or outlets shall not be included in column ii.
- (vi) In item 7, any expenditure incurred for fulfilling any statutory obligation or mitigating occupational hazards, as referred to in Explanation to clause (E) of sub-section (2) of section 115WB shall not be included in column (ii).
- (vii) Column iii provides the percentage at which value of fringe benefits as provided in section 115WC on the basis of amount entered in column ii has to be computed.
- (viii) The value of fringe benefit for each item to be entered in column iv shall be equal to the amount filled in column ii as multiplied by the percentage shown in column iii and as divided by 100.

(c) Schedule-FBT,- In this Schedule, fill the details of payment of fringe benefit tax by way of advance tax and on self-assessment. The details of BSR Code of the bank branch (7 digits), date of deposit, challan serial no., and amount paid should be filled out from the acknowledgement counterfoil

15. PART B-FB-COMPUTATION OF VALUE OF FRINGE BENEFITS AND TAX THEREON

- (i) Quarter wise break-up of fringe benefits is required to be given in items 1 to 4, so as to facilitate computation of interest in item 12 for default in paying the quarterly instalments of advance fringe benefits tax.
- (ii) In item 5, fill the details of fringe benefits as computed in item 20(d) of Schedule 17. The amount in item 5 must necessarily be equal to the total of the amounts in items 1 to 4.
- (iii) In item 6, compute the fringe benefit tax payable on the value of fringe benefits for the previous year, i.e., on the amount in item 5.
- (iv) In item 7, compute the surcharge as prescribed by the law on the fringe benefit tax as computed in item 6. In case of a domestic company the rate of surcharge is 10 per cent whereas in case of a company other than a domestic company the rate of surcharge is two and one-half per cent.
- (v) In item 8, compute the education cess including secondary and higher education cess as prescribed by the law on the fringe benefit tax and surcharge thereon. The rate of education cess is 3 per cent.
- (vi) In item 12, compute the interest under section 115WJ(3) for default in payment of advance fringe benefit tax.
- (vii) In item 13, compute the interest under section 115WK(1) for defaults in furnishing return of fringe benefits.

16. VERIFICATION

- (a) In case the return is to be furnished in a paper format or electronically under digital signature or in a bar coded return format, please fill up the required information in the Verification. Strike out whatever is not applicable. Please ensure that the verification has been signed before furnishing the return. Write the designation of the person signing the return.
- (b) In case the return is to be furnished electronically in the manner mentioned in instruction no. 5(iii), please fill verification form (Form ITR-V)
- (c) Please note that any person making a false statement in the return or the accompanying schedules shall be liable to be prosecuted under section 277 of the Income-tax Act, 1961 and on conviction be punishable under that section with rigorous imprisonment and with fine.