



उत्तर प्रदेश पावर ट्रांसमिशन कारपोरेशन लिमिटेड

(उ०प्र० सरकार का उपक्रम)

U.P. Power Transmission Corporation Limited

(U.P. Government Undertaking)

CIN:U40101UP2004SGC028687

GSTN: 09AAACU8823E1Z9

कारपोरेट टैक्स (जी०एस०टी० सेल) Corporate Tax (GST Cell)

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पत्रांक / का०टैक्स एवं जी०एस०टी० / 2020 /

दिनांक 01 / 10 / 2020

समस्त आहरण एवं वितरण अधिकारी
उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०।

मुख्य अभियन्ता (डी० एण्ड पी०) / 765 केवी / सी०
एण्ड सी० / सी०एम०यू०डी० जानपद (i) / (ii) पारेषण मध्य /
पश्चिम / दक्षिण-पूर्व / उत्तर-पूर्व / दक्षिण-पश्चिम / दक्षिण-मध्य
उ०प्र० पावर ट्रांसमिशन कारपोरेशन लि०
लखनऊ / मेरठ / प्रयागराज / गोरखपुर / आगरा / झांसी।

विषय: Tax Collected at Source (TCS) की नवीन धारा 206C(1H) दिनांक 01.10.2020 से लागू होने के सम्बन्ध में।

कृपया अवगत कराना चाहेंगे कि भारत सरकार द्वारा केन्द्रीय बजट में Finance Act, 2020 के अन्तर्गत Tax Collected at Source (TCS) की धारा 206(C) में एक नवीन प्रावधान (1H) का समावेश किया गया है जो दिनांक 01.10.2020 से प्रभावी हो जायेगी। TCS से सम्बन्धित नवीन धारा 206C(1H) के अनुसार :

“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 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 percent of the sale consideration exceeding fifty lakh rupees as income-tax”

TCS is not required to be collected in following cases:

- If consideration received for sale of goods of the value or aggregate of such value does not exceed Rs. 50 Lakhs in any year.
- If the buyer is liable to deduct TDS under any provisions of the Income Tax Act.
- If goods are exported.
- If goods are sold to the Central Govt, State Govt, an Embassy, a High Commissioner, Consulate, Legation, Commission and Trade Representative of a foreign State, Local Authority.

उपरोक्त श्रेणी को छोड़कर अन्य क्रेता को वस्तुओं की बिक्री रू० 50 लाख से अधिक धनराशि प्राप्त होने पर 0.1 प्रतिशत एवं पैस/आधार न दिये जाने पर 1 प्रतिशत TCS के रूप में विक्रेता द्वारा क्रेता से संग्रह किया जायेगा एवं प्राप्त पैस पर क्रेडिट किया जायेगा। यदि क्रेता द्वारा कय किये गये Goods पर किसी धारा के अधीन TDS की कटौती की जाती है तो ऐसी स्थिति में विक्रेता द्वारा उक्त Transaction पर TCS Collect नहीं किया जायेगा एवं स्कैप की बिक्री पर पूर्व की भाँति आयकर प्रावधानों के अनुसार TCS के रूप में कर संग्रह किया जायेगा।

“उपरोक्त प्रावधान वस्तुओं की बिक्री (Sale of Goods) पर लागू होंगे, कार्य/सेवाओं पर नहीं।”, इसके अतिरिक्त जमा मद योजनाओं में प्राप्त धनराशि पर भी उक्त प्रावधान लागू नहीं होंगे।

संज्ञानित कराना चाहेंगे कि CBDT प्रेस रिलीज दिनांक 13.05.2020 के द्वारा उपरोक्त धारा के अन्तर्गत किसी वस्तु की रू० 50 लाख से अधिक के विक्रय पर 0.075 प्रतिशत एवं पैस उपलब्ध न कराने पर 1.00 प्रतिशत (Reduced rate from 01.10.2020 to 31.03.2021) की दर से विक्रेता द्वारा क्रेता से TCS वसूला जायेगा, उ० प्र० पावर ट्रांसमिशन

कारपोरेशन लि० द्वारा किसी अन्य डिस्कॉम/संस्था/व्यक्ति को धनराशि रू० 50 लाख से अधिक की कोई वस्तु (सामग्री) इत्यादि की बिक्री की जायेगी तो उसके सापेक्ष प्राप्त होने वाली धनराशि/समायोजन पर TCS की देयता उत्पन्न होगी।

उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि० द्वारा भी विभिन्न निर्माताओं/विक्रेताओं से सामग्री का क्रय किया जाता है तो रू० 50 लाख से अधिक की सामग्री पर विक्रेता द्वारा TCS संग्रह किया जायेगा। अतः उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि० भी विक्रेताओं (Venders) को कम्पनी का PAN (AAACU8823E) उपलब्ध करा दें जिससे कम्पनी के 26AS में TCS की धनराशि दर्शित हो सकें एवं कम्पनी उसका क्रेडिट/रिफण्ड प्राप्त कर सकें।

प्रत्येक माह में संग्रहित की गयी TCS की धनराशि विक्रेता द्वारा आयकर विभाग में जमा की जायेगी एवं निर्धारित तिथि तक त्रैमासिक रिटर्न (27EQ) फाइल करने के उपरान्त TCS Certificate निर्गत किया जायेगा, जिसका तिथिवार विवरण निम्नलिखित तालिका अनुसार सुनिश्चित किया जाना होगा :

Collection Month	Quarter Ending	Due date of Payment	Due Date of filing return Form 27EQ	Due date for Issue of TCS certificate under Form-27D
April	30 th June	7 th May	15 th July	30 th July
May		7 th June		
June		7 th July		
July	30 th September	7 th August	15 th October	30 th October
August		7 th September		
September		7 th October		
October	31 th December	7 th November	15 th January	30 th January
November		7 th December		
December		7 th January		
January	31 th March	7 th February	15 th May	30 th May
February		7 th March		
March		7 th April		

संलग्नक:- TCS 206C(1H) एवं परिपत्र संख्या 17 दिनांक 29.09.2020

(ए० के० गुप्ता)
अधिशाली निदेशक (वित्त एवं लेखा)

पत्रांक: 444/का०टैक्स एवं जी०एस०टी०/2020 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. प्रबन्ध निदेशक, उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०, शक्ति भवन लखनऊ के निजी सचिव।
2. निदेशक (का०प्र० एवं प्रशा०)/वित्त/आपरेशन/कार्य एवं परि०/एस०एल०डी०सी/वाणिज्य एवं नियोजन उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०, शक्ति भवन/ गोमती नगर, लखनऊ के निजी सचिव।
3. उप महाप्रबन्धक (वित्त एवं लेखा), उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०, शक्ति भवन लखनऊ को TCS 206C(1H) से सम्बन्धित लेखाशीर्ष आवंटित करने हेतु प्रेषित।
4. उप महाप्रबन्धक (लेखा), परिक्षेत्रीय लेखा कार्यालय, पारेषण मध्य/पश्चिम/दक्षिण-पूर्व/उत्तर-पूर्व/दक्षिण-पश्चिम/दक्षिण मध्य, लखनऊ/मेरठ/प्रयागराज/गोरखपुर/आगरा/झांसी।
5. उप महाप्रबन्धक (निधि)/मुख्यालय वित्त एवं भुगतान इकाई (पारेषण मुख्यालय), उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०, शक्ति भवन लखनऊ।
6. अधिशाली अभियन्ता, सम्बद्ध निदेशक (ऑपरेशन), उ० प्र० पावर ट्रांसमिशन कारपोरेशन लि०, 11वां तल शक्ति भवन विस्तार, को वेबसाइट पर अपलोड करने हेतु।

संलग्नक:- यथोपरोक्त।

(ए० के० गुप्ता)
अधिशाली निदेशक (वित्त एवं लेखा)

Section 206C(1H) 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.

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.

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

Dated: 29th 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 1st 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 1st 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 1st 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 1st 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 30th 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 1st 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 1st October 2020. Consequently it would apply on all sale consideration (including advance received for sale) received on or after 1st October 2020 even if the sale was carried out before 1st 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 1st April, 2020. Hence, if a person being seller has already received fifty lakh rupees or more up to 30th 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 1st 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)
3. Chairman, CBDT & All Members, CBDT
4. All Pr. DGsIT/ Pr. CCsIT
5. All Joint Secretaries/ CsIT/ Directors/ Deputy Secretaries/ Under Secretaries of CBDT
6. The C&AG of India
7. The JS & Legal Adviser, Ministry of Law & Justice, New Delhi
8. CIT (M&TP), Official Spokesperson of CBDT
9. O/o Pr. DGIT (Systems) for uploading on official website
10. JCIT (Database Cell) for uploading on www.irsolicersonline.gov.in

**Government of India
Department of Revenue
Ministry of Finance
Central Board of Direct Taxes**

New Delhi, 30th September, 2020

PRESS RELEASE

Clarification on doubts arising on account of new TCS provisions

There are reports in certain sections of media wherein certain doubts have been raised regarding the applicability of the provisions relating to Tax Collection at Source (TCS) on certain goods introduced vide Finance Act, 2020. This press note is being issued to clarify those doubts about the applicability of these provisions.

Finance Act, 2020 amended provisions relating to TCS with effect from 1st October, 2020 to provide that seller of goods shall collect tax @ 0.1 per cent (0.075% up to 31.03.2021) if the receipt of sale consideration from a buyer exceeds Rs. 50 lakh in the financial year. Further, to reduce the compliance burden, it has been provided that a seller would be required to collect tax only if his turnover exceeds Rs. 10 crore in the last financial year. Moreover, the export of goods has also been exempted from the applicability of these provisions.

It has been reported in the media that TCS has been made applicable to the amount received before 1st October, 2020. It is clarified that this report is not correct. In this connection, it may be noted that this TCS shall be applicable only on the amount received on or after 1st October, 2020. For example, a seller who has received Rs. 1 crore before 1st October, 2020 from a particular buyer and receives Rs. 5 lakh after 1st October, 2020 would be required to collect tax on Rs. 5 lakh only and not on Rs. 55 lakh [i.e Rs.1.05 crore - Rs. 50 lakh (threshold)] by including the amount received before 1st October, 2020.

It has also been reported in certain section of the media that every transaction will attract this TCS. This report is not correct. It may be noted that this TCS applies only in cases where receipt of sale consideration exceeds Rs. 50 lakh in a financial year. As the threshold is based on the yearly receipt, it may be noted that only for the purpose of calculation of this threshold of Rs. 50 lakh, the receipt from the beginning of the financial year i.e. from 1st April, 2020 shall be taken into account. For example, in the above illustration, the seller has to collect tax on receipt of Rs. 5 lakh after 1st October, 2020 because the receipts from 1st April, 2020 i.e. Rs. 1.05 crore exceeded the specified threshold of Rs. 50 lakh.

Further, the seller in most of the cases maintains running account of the buyer in which payments are generally not linked with a particular sale invoice. Therefore, in order to simplify and ease the compliance of the collector, it may be noted that this TCS provision shall be applicable on the amount of all sale consideration received on or after

1st October, 2020 without making any adjustment for the amount received in respect of sales made before 1st October, 2020. Mandating the collector to identify and exclude the amount in respect of sales made up to 30th September, 2020 from the amount received on or after the 1st of October, 2020 would have resulted into undue compliance burden for the collector and also litigation.

It has been reported in certain section of the media that this TCS is an additional tax. This is obviously not correct. In this regard, it may be noted that TCS is not an additional tax but is in the nature of advance income-tax/TDS for which the buyer would get the credit against his actual income tax liability and if the amount of TCS is more than his tax liability, the buyer would be entitled for refund of the excess amount along with interest.

It may also be noted that this TCS shall be applicable only on the receipt exceeding Rs. 50 lakh by a seller from a particular buyer. Therefore, on payment of Rs. 1 crore made by a buyer to a particular seller only Rs.5,000 (Rs. 3,750 this year) i.e. [0.1% of (Rs. 1 crore - Rs. 50 lakh)] shall be collected. Hence, in case of a person making payment of Rs.1 crore each to 10 different sellers, the total tax collected shall be only Rs.50,000 (Rs. 37,500 this year) i.e. $10 \times [0.1\% \text{ of } (\text{Rs. 1 crore} - \text{Rs. 50 lakh})]$ on the total payment made for purchase of Rs. 10 crore to ten different sellers.

Assuming a net profit of 8% on sales, his business income in respect of this payment of Rs. 10 crore made for purchase would be around Rs. 87 lakh. The income-tax liability on the income of Rs. 87 lakh for an individual in the new taxation regime would be around Rs. 27 lakh. Hence, the amount of TCS collected i.e. Rs.50,000 (Rs. 37,500 this year) would be a miniscule part of his actual tax liability and would be easily adjusted against his tax liability. In a rare case, if his tax liability is less than even Rs.50,000 (Rs. 37,500 this year), he shall be entitled for refund of excess TCS with interest.

It has also been reported in certain section of media that every seller will have to collect TCS. This is also not correct. In this context, it may be noted that in order to reduce the compliance burden, this TCS is made applicable to only those sellers whose business turnover exceeds Rs. 10 crore. In other words, those having turnover of less than Rs. 10 crore will not be required to collect TCS. There are only around 3.5 lakh persons who have disclosed business turnover of more than Rs. 10 crore in FY 2018-19. There are around 18 lakh entities which already deal with TDS/TCS. Therefore, this TCS collection under these new provisions would be required to be made by persons who, in most of the cases, would already be complying with the other provisions of TDS/TCS.

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