

Tax Hotline

April 19, 2006

INCOME-TAX ASSESSMENT ORDERS - NO SECRET NOW!

In a recent judgment, the Central Information Commission ("CIC"), the highest appellate authority under the Right to Information Act, 2005 ("RTIA"), on March 30, 2006 held that a person has a right to seek any tax payer's assessment order so long as the order is not exempt under the RTIA. This implies that the assessment orders of any person, which the tax authorities so far used to hold as 'private and confidential', will now be accessible to the public. The CIC has, however, denied access to a person's income tax returns treating them as confidential documents.

An assessment order is a document containing basic details of a tax payer's income and the tax due on it. In the CIC's view, there is no basis for not disclosing assessment orders since the assessment is an action by a public authority and that every such action taken by such public authority is in the interest of the public and that the public authority must adopt an open and transparent process of evaluation norms and procedures for the assessment of tax liabilities.

It is interesting to note that though second level income tax appellate orders are public information, first level appellate orders are not and are not specifically covered in CIC's order.

In principle this is a move in the right direction, as it would curtail corruption and would lead to more transparency. However, there is a possibility that the decision of the CIC may be challenged on the grounds of privacy.

- Khushboo Baxi & Bijal Ajinkya

Source: *The Economic Times*, dated April 18, 2006

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

M&A In The Indian Technology Sector

February 19, 2025

Unlocking Capital

February 11, 2025

Fintech

January 28, 2025

Research Articles

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Key changes to Model Concession Agreements in the Road Sector

January 03, 2025

Audio

Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

Arbitration Amendment Bill 2024: A Few Suggestions | Legally Speaking With Tarun Nangia | NewsX

February 12, 2025

**What India's Transition to New Data
Protection Law Means for Global
Businesses**

January 23, 2025

**India 2025: The Emerging
Powerhouse for Private Equity and
M&A Deals**

January 16, 2025
