

FORM

ITR-8

INDIAN INCOME TAX RETURN

[Return for Fringe Benefits]
(Please see rule 12 of the Income-tax Rules, 1962)
(Also see attached instructions)

Assessment Year

2009 - 10

Part A-GEN GENERAL

PERSONAL INFORMATION	Name				PAN			
	Is there any change in the company's name? If yes, please furnish the old name							
	Flat/Door/Block No		Name Of Premises/Building/Village			Date of formation/incorporation (DD/MM/YYYY) / /		
	Road/Street/Post Office		Area/Locality			Status - Write 1 if firm, if a public company write 6, and if private company write 7 (as defined in section 3 of the Company Act), and write 8 if others If domestic Company (Tick) <input type="checkbox"/>		
	Town/City/District		State	Pin code				
	Email Address			(STD code)-Phone Number ()				
FILING STATUS	Designation of Assessing Officer		Area Code	AO Type	Range Code	AO No	Return filed under Section (Enter Code) [See instruction number -9(i)]	
	Whether original or Revised return? (Tick) <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/>							
	If revised, then enter Receipt No and Date of filing original return (DD/MM/YYYY)		/ /					
	Residential Status (Tick) <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Resident but Not Ordinarily Resident <input type="checkbox"/>							
	In the case of non-resident, is there a permanent establishment (PE) in India (Tick) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>							
	Whether this return is being filed by a representative assessee? (Tick) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>							
	If yes, please furnish following information -							
(a)	Name of the representative							
(b)	Address of the representative							
(c)	Permanent Account Number (PAN) of the representative							
AUDIT INFORMATION	Are you liable to maintain accounts as per section 44AA? (Tick) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>							
	Are you liable to audit under section 44AB? (Tick) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, If yes, furnish following information-							
	(a)	Name of the auditor signing the tax audit report						
	(b)	Membership no. of the auditor						
	(c)	Name of the auditor (proprietorship/ firm)						
	(d)	Permanent Account Number (PAN) of the proprietors hip/ firm						
(e)	Date of audit report.							

For Office Use Only

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Receipt No

Date

Seal and Signature of receiving official

PART-B

Part B

Computation of Fringe Benefits and fringe benefit tax

COMPUTATION OF FRINGE BENEFITS AND FRINGE BENEFIT TAX	1	Value of fringe benefits									
		a	for first quarter	1a							
		b	for second quarter	1b							
		c	for third quarter	1c							
		d	for fourth quarter	1d							
		e	Total fringe benefits (1a + 1b + 1c + 1d) (also 24 iv of Schedule-FB)		1e						
	2	Fringe benefit tax payable [30% of 1e]		2							
	3	Surcharge on 2		3							
	4	Education cess including secondary and higher education cess on (2 + 3)		4							
	5	Total fringe benefit tax liability (2 + 3 + 4)		5							
COMPUTATION OF FRINGE BENEFITS AND FRINGE BENEFIT TAX	6	Interest payable									
		a	For default in payment of advance tax (section 115WJ (3))	6a							
		b	For default in furnishing the return (section 115WK)	6b							
		c	Total interest payable	6c							
7	Aggregate liability (5 + 6c)		7								
COMPUTATION OF FRINGE BENEFITS AND FRINGE BENEFIT TAX	8	Taxes paid									
		a	Advance fringe benefit tax (from Schedule-FBT)	8a							
		b	On self-assessment (from Schedule-FBT)	8b							
		c	Total Taxes Paid (8a + 8b)	8c							
9	Tax Payable (Enter if 7 is greater than 8c, else enter 0).		9								
10	Refund (enter If 8c is greater than 7, else enter 0) also give the bank account details in Schedule BA		10								
REFUND	11	Enter your bank account number (mandatory in case of refund)									
	12	Do you want your refund by <input type="checkbox"/> cheque, or <input type="checkbox"/> deposited directly into your bank account? (tick as applicable <input checked="" type="checkbox"/>)									
	13	In case of direct deposit to your bank account give additional details									
		MICR Code								Type of Account (tick as applicable <input checked="" type="checkbox"/>)	<input type="checkbox"/> Savings

VERIFICATION

I, _____ son/ daughter of _____, holding permanent account number _____, solemnly declare that to the best of my knowledge and belief, the information given in the return and the schedules thereto is correct and complete and that the amount of fringe benefits and other particulars shown therein are truly stated and are in accordance with the provisions of the Income-tax Act, 1961, in respect of fringe benefits chargeable to income-tax for the previous year relevant to the assessment year 2009-2010. I further declare that I am making this return in my capacity as _____ and I am also competent to make this return and verify it.

Place

Date

Sign here →

Schedule FBI

Information regarding calculation of value of fringe benefits

t infor	1	Are you having employees based both in and outside India? If yes write 1, and if no write 2	<input type="checkbox"/>
	2	If answer to '1' is yes, are you maintaining separate books of account for Indian and foreign operations? If yes write 1, and if no write 2	<input type="checkbox"/>

3	Total number of employees		
	a	Number of employees in India	3a
	b	Number of employees outside India	3b
	c	Total number of employees	3c

Schedule FB Computation of value of fringe benefits

Sl. No.	Nature of expenditure		Amount/value of expenditure*	Percent -age	Value of fringe benefits iv= ii x iii ÷ 100	
	i		ii	iii	iv	
1	Free or concessional tickets provided for private journeys of employees or their family members (the value in column ii shall be the cost of the ticket to the general public as reduced by the amount, if any, paid by or recovered from the employee)		1ii	100		1iv
2	Any specified security or sweat equity shares [Sections 115WB(1)(d)] [Difference between the fair market value on the vesting date and amount recovered from or paid by the employee] and contribution to an approved superannuation fund for employees (in excess of one lakh rupees in respect of each employee)		2ii	100		2iv
3	Entertainment		3ii	20		3iv
4	a	Hospitality in the business other than business referred to in 4b or 4c or 4d	aii	20		aiv
	b	Hospitality in the business of hotel	bii	5		biv
	c	Hospitality in the business of carriage of passengers or goods by aircraft	cii	5		civ
	d	Hospitality in the business of carriage of passengers or goods by ship	dii	5		div
5	Conference (other than fee for participation by the employees in any conference)		5ii	20		5iv
6	Sales promotion including publicity (excluding any expenditure on advertisement referred to in proviso to section 115WB(2)(D))		6ii	20		6iv
7	Employees welfare		7ii	20		7iv
8	a	Conveyance, in the business other than the business referred to in 8b or 8c or 8d	aii	20		aiv
	b	Conveyance, in business of construction	bii	5		biv
	c	Conveyance in the business of manufacture or production of pharmaceuticals	cii	5		civ
	d	Conveyance in the business of manufacture or production of computer software	dii	5		div
9	a	Use of hotel, boarding and lodging facilities in the business other than the business referred to in 9b or 9c or 9d or 9e	aii	20		aiv
	b	Use of hotel, boarding and lodging facilities in the business of manufacture or production of pharmaceuticals	bii	5		biv
	c	Use of hotel, boarding and lodging facilities in the business of manufacture or production of computer software	cii	5		civ
	d	Use of hotel, boarding and lodging facilities in the business of carriage of passengers or goods by aircraft	dii	5		div

VALUE OF FRINGE BENEFITS

	e	Use of hotel, boarding and lodging facilities in the business of carriage of passengers or goods by ship	eii		5		eiv		
10	a	Repair, running (including fuel), maintenance of motor cars and the amount of depreciation thereon in the business other than the business of carriage of passengers or goods by motor car	aii		20		aiv		
	b	Repair, running (including fuel), maintenance of motor cars and the amount of depreciation thereon in the business of carriage of passengers or goods by motor car	bii		5		biv		
11		Repair, running (including fuel) and maintenance of aircrafts and the amount of depreciation thereon in the business other than the business of carriage of passengers or goods by aircraft	11ii		20		11iv		
12		Use of telephone (including mobile phone) other than expenditure on leased telephone lines	12ii		20		12iv		
13		Maintenance of any accommodation in the nature of guest house other than accommodation used for training purposes	13ii		0		13iv		
14		Festival celebrations	14ii		20		14iv		
15		Use of health club and similar facilities	15ii		50		15iv		
16		Use of any other club facilities	16ii		50		16iv		
17		Gifts	17ii		50		17iv		
18		Scholarships	18ii		50		18iv		
19		Tour and Travel (including foreign travel)	19ii		5		19iv		
20		Value of fringe benefits (total of Column iv)					20iv		
21		If answer to '1' of Schedule-FBI is no, value of fringe benefits (same as 20iv)						21iv	
22		If answer to '2' of Schedule-FBI is yes, value of fringe benefits (same as 20iv)						22iv	
23		If answer to '2' of Schedule-FBI is no, value of fringe benefits (20iv x 3a of Schedule-FBI, 3c of Schedule-FBI)						23iv	
24		value of fringe benefits(21iv or 22iv or 23iv as the case may be)						24iv	
NOTE ?	*If answer to '2' of Schedule-FBI is yes, enter the figures in 1ii to 19ii on the basis of books of account maintained for Indian operation.								

Schedule FBT Details of payment of Fringe Benefit Tax

TAXPAYMENTS	Sl No	Name of Bank & Branch	BSR Code	Date of Deposit (DD/MM/YYYY)	Serial Number of Challan	Amount (Rs)
	i					
	ii					
	iii					
	iv					
	v					
NOTE ?	Enter the total of v in 8a and 8b of PART-B					

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 filled 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 may be 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.