

**REPLY OF NOTICE UNDER SECTION 245 FOR PROPOSING TO SET OFF CERTAIN
DEMANDS AGAINST THE REFUND**

From,

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Dated

To,

The Assessing Officer,

Circle/Ward

Dear Sir/Madam,

Subject : Reply of Your Notice u/s 245 for proposing to set off certain demands against the refund

PAN No

My client has received your Notice dated.....u/s 245 of Income Tax Act, 1961 proposing to set off certain demands against the refund for assessment years.....

I have been instructed by my above named client to submit the following :

(a) On checking of his records my client has found that he had got relief in appeal before CIT (Appeals) for assessment year and the appeal effect of the said appellate order has not yet been given. A copy of the same is enclosed for your ready reference in doing the needful. On giving such appeal effect there will be no tax outstanding.

(b) The demand for assessment year relating to the partnership firm has been proposed by you to adjust against the amount refundable to my client just because he is a partner in the said firm. My client has objection to the same as such set-off is not permissible u/s 245.

(c) The tax payable in respect of assessment year relates to income arising outside India and the country has restricted the remittance and therefore such tax has been kept in abeyance u/s 220(7).

Therefore, I would request that the said tax which is already kept in abeyance should not be set off against refunds due to my client.

Under the facts and circumstances, none of the demands proposed to be set off against refund is liable to be set off and therefore, you are requested to issue the refund to my said client, without any set off as proposed in your intimation.

For more details, please visit: WWW.COMPANYMITRA.COM

Thanking you

Yours faithfully

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