

AO to recover tax from employer only who didn't remit TDS after deducting it from salary of employee: ITAT

INCOME TAX : Where tax had been deducted by employer from salary accrued to assessee but deductor-employer had not remitted amount after its deduction to Central Government, only course open to revenue was to recover same from very employer who had deducted TDS and not from assessee-employee

Section [205](#), read with section [192](#), of the Income-tax Act, 1961 - Deduction of tax at source - Bar against direct demand on assessee (Illustrations) - Assessment years 2018-19 and 2019-20 - Assessee was employed with a company - He filed his return for relevant year declaring net salary income received from his employer with corresponding claim of TDS under section 192 - Assessing Officer held that assessee was not entitled to credit of TDS owing to failure of deductor-employer to deposit said amount of TDS to credit of central exchequer - Whether revenue, in terms of section 205, was restrained from enforcing any tax recovery against assessee insofar as demand with reference to amount of which tax had been deducted by employer from salary accrued to assessee but deductor-employer had not remitted amount after its deduction to Central Government, only course open to revenue was to recover same from very person who had deducted TDS and not from assessee - Held, yes [Para10] [In favour of assessee]

For detail, pl. click below link:

<https://www.taxmann.com/research/direct-tax-laws/top-story/101010000000329775/ao-to-recover-tax-from-employer-only-who-didnt-remit-tds-after-deducting-it-from-salary-of-employee-itat-caselaws>

(Source: Taxmann.com)