

(iv) the owner of the enterprise or any member of his family does not own any other industrial or commercial enterprise either in his own name or in the name of any other person; and

(b) "member of his family", in relation to the owner of an enterprise, means the parents, spouse and children dependent on the owner and employed in the enterprise, whether working full-time or part-time, or whether for or without any wages, remuneration or compensation in any form.

(2) Nothing contained in sub-section (1) shall apply to a co-operative society carrying on such business of insurance as is carried on by a mutual insurance association in respect of its profits and gains to which paragraph 8 of the Fourth Schedule applies.

CHAPTER VII

PAYMENT OF TAX BEFORE ASSESSMENT

48. (1) Notwithstanding that regular assessment in respect of any income is to be made later in any assessment year, and without prejudice to the charge and recovery of tax under this Ordinance after such assessment, the tax on income shall be payable by deduction or collection at source, or by way of advance payment, in accordance with the provisions of this Chapter.

Deduction at source and advance payment of tax

(2) Any sum deducted or collected, or paid by way of advance payment, in accordance with the provisions of this Chapter, shall, for the purpose of computing the income of an assessee, be deemed to be the income received, and be treated as payment of tax in due time, by the assessee.

49. (1) Tax payable under this Ordinance shall be deducted or collected at source in respect of the following income, namely:-

Income subject to deduction at source

(a) income classifiable under the head "Salaries";

¹[(aa) income from discount on the real value of Bangladesh Bank bills;]

¹ Clause (aa) was inserted by section 52 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

- (b) income classifiable under the head “Interest on securities”;
- ¹[* * *]
- (c) income derived on account of supply of goods, execution of contracts or services rendered;
- (d) income derived by the importers and exporters on account of import and export of goods;
- (e) income derived on account of indenting commission;
- (f) income derived on account of winnings from lottery or crossword puzzles, as referred to in section 19(13); ²[* * *]
- (g) any income chargeable under this Ordinance which is paid or payable to a non-resident ³;
- (h) Income classifiable under the head “Income from house property”;
- (i) income derived on account of export of manpower;
- (j) income derived on account of purchase by public auction;
- (k) income derived on account of acting in films;
- ⁴[* * *] ⁵[* * *]
- (m) income derived on account of shipping agency commission ⁶; ⁷[* * *]

¹ Clause (bb) was omitted by section 2 of the Income Tax (Amendment) Ordinance No, 1985 (Ordinance No. XXXVI of 1985).

² The word “and” was omitted by section 8 of অর্থ আইন, ১৯৮৮ (১৯৮৮ সনের ৩৩ নং আইন).

³ The semi colon (;) was substituted for the full-stop (.) and thereafter clauses (h) to (m) were added by section 8 of অর্থ আইন, ১৯৮৮ (১৯৮৮ সনের ৩৩ নং আইন).

⁴ Clause (l) was omitted by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

⁵ The word “and” was omitted by section 12 of অর্থ আইন, ১৯৮৯ (১৯৮৯ সনের ৩৬ নং আইন).

⁶ The semi-colon (;) was substituted for the full stop (.) and the word “and ” and clause (n) was inserted by section 12 of অর্থ আইন, ১৯৮৯ (১৯৮৯ সনের ৩৪ নং আইন).

⁷ The word “and” was omitted by section 6 of অর্থ আইন, ১৯৯৯ (১৯৯৯ সনের ১৬ নং আইন)

- ¹[(n) income derived from commission, discount or fees payable to distributors for distribution or marketing of manufactured goods] ²;
- (o) income derived on account of interest on saving deposits, fixed deposits or term deposits and share of profit on term deposits;
- (p) income derived on account of insurance commission;
- (q) income classifiable under the head "Capital gains";]
- ³[(r) income derived on account of fees for professional or technical services;
- (s) income derived on account of manufacture of cigarettes manually without any mechanical aid whatsoever;
- (t) income derived from compensation against acquisition of property;
- ⁴[* * *]
- ⁵[* * *]
- (w) income derived on account of running of brick field;
- (x) income derived on account of services rendered by the doctors;
- ⁶[* * *]
- (z) income derived on account of commission of letter of credit;]
- ⁷[(za) income derived on account of survey by a surveyor of general insurance company;

¹ Clause (n) was substituted by section 52 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

² The semi-colon (;) was substituted for the full-stop (.) and thereafter the clauses (o), (p) and (q) were inserted by section 7 of অর্থ আইন, ১৯৯১ (১৯৯১ সনের ২১ নং আইন).

³ Clauses (r), (s), (t), (u), (v), (w), (x), (y) and (z) were inserted by section 6 of অর্থ আইন, ১৯৯৯ (১৯৯৯ সনের ১৬ নং আইন).

⁴ Clause (u) was omitted by section 60 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

⁵ Clause (v) was omitted by section 52 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

⁶ Clause (y) was omitted by section 60 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

⁷ Clauses (za), (zb) and (zc) were added by section 60 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

¹[* * *]

- (zc) income derived on account of commission, remuneration or charges as a foreign buyer's agent ²;
- (zd) income from dividends ³ [;
- (ze) income derived on account of rendering certain services ⁴;
- (zf) income derived on account of shipping business of a resident;
- (zg) income derived on account of business of real estate and land developer;
- (zh) income derived by an exporter on account of export of knitwear or woven garments;
- (zi) income derived by a member of a stock exchange on account of transaction of shares, debentures, mutual funds, bonds or securities ⁵;
- (zj) income derived on account of courier business of a non-resident;
- (zk) income derived on account of export cash subsidy;
- (zl) on account of use of credit card by a credit card holder.]

(2) Tax to be deducted at source under sub-section (1) in respect of any income shall be deducted in accordance with the provisions of this Chapter by the person responsible for making payment which constitutes the income of the payee.

(3) For the purpose of this Chapter, a person responsible for making payment", with its grammatical variations and cognate

¹ Clause (zb) was omitted by section 52 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

² The semi-colon (;) was substituted for the full stop (.) and thereafter clause (zd) was inserted by section 52 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

³ The semi colon (;) was substituted for the full stop (.) and thereafter clause (ze) was added by section 41 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁴ The semi-colon (;) was substituted for the full stop (.) and thereafter clauses (zf), (zg), (zh) and (zi) were inserted by section 17 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

⁵ The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (zj), (zk) and (zl) were added by section 19 of অর্থ আইন, ২০০৬ (২০০৬ সনের ২২ নং আইন).

expressions, means-

- (a) in the case of payments constituting income classifiable under head "Salaries", not being payments made by the Government, the employer himself or, if the employer is a local authority, company or institution, such authority, company or institution, including the principal officer thereof;
- (b) in the case of payments constituting income classifiable under the head "Interest on securities", not being payment made by or on behalf of the Government, the authority, company or other institution issuing the security or the principal officer thereof; and
- (c) in the case of payment of any other sum which constitutes an income of the payee chargeable to tax under this Ordinance, the payer himself, or if the payer is a company or other institution, such company or institution including the principal officer thereof.

50. (1) The person responsible for making any payment which constitutes income of the payee classifiable under the head "Salaries" shall, at the time of making such payment, deduct tax on the amount so payable at a rate representing the average of the rates applicable to the estimated total income of the payee under that head.

Deduction at source from salaries

(2) At the time of making any deduction under sub-section (1), the amount to be deducted may be increased or decreased for the purpose of adjusting any excess or deficiency arising out of any previous deductions or failure to make deductions.

(3) For the purposes of deduction under sub-section (1) in respect of salary payable in a foreign currency, the value in taka of such salary shall be calculated at such rate as the Board may prescribe.

¹**50A.** Any person responsible for paying any amount on account of discount on the real value of Bangladesh Bank bills shall, at the time of making such payment, deduct tax at the maximum rate on the amount so payable or the rate applicable to such amount, whichever is greater ²:

Deduction at source from discount on the real value of Bangladesh Bank bills

¹ Section 50A was inserted by section 5 of অর্থ আইন, ১৯৯৭ (১৯৯৭ সনের ১৫ নং আইন).

² The colon (:) was substituted for the full-stop (.) and thereafter the proviso was inserted by section 19 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

Provided that no tax shall be deducted under this section where the said bill is purchased by an approved superannuation fund or pension fund or gratuity fund or a recognised provident fund, or a workers' profit participation fund.]]

Deduction at source from interest on securities

51. ¹[(1) In the case of the security of the Government, or security approved by the Government, unless the Government otherwise directs, the person responsible for issuing any security, income of which is classifiable under the head "Interest on securities", shall collect income tax at the rate of ten per cent (10%) upfront on interest or discount, receivable on maturity, from the purchaser of the securities.]

(2) [Omitted by section 18 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).]

(3) Nothing in this section shall apply to any payment on account of interest payable on debentures issued by or on behalf of a local authority or a company.

51A. [Deduction at source from interest on fixed deposits-Omitted by section 2 of the Income tax (Amendment) Ordinance, 1985 (Ordinance No. XXXVI of 1985).]

Deduction from payment to contractors, etc.

52. (1) Where any payment is to be made, whether in full or in part, or by way of advance, on account of indenting commission ²[³* * *] or shipping agency commission] or supply of goods or execution of contract, ⁴[* * *] to any such person or class of persons as may be prescribed, the person responsible for making the payment shall, at the time of making such payment deduct tax on the amount so payable at such rate as may be prescribed.

(2) Any amount deducted under sub-section (1) shall be deemed to be an advance payment of tax by the payee and shall be given credit for in the assessment of his tax.

¹ Sub-section (1) was substituted by section 18 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

² The words "or travel agency commission or shipping agency commission" were inserted by section 28 of অর্থ আইন, ১৯৮৮ (১৯৮৮ সনের ৩৩ নং আইন).

³ The words "or travel agency commission" were omitted by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

⁴ The words "or for services rendered" were omitted by section 6 of অর্থ আইন, ১৯৯৮ (১৯৯৮ সনের ১৪ নং আইন).

¹[**52A.** (1) The principal officer of any company registered under the Companies Act, 1913 (VII of 1913) or কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮ নং আইন) or the Chief executive of any non- Government organisation registered with the NGO Affairs Bureau or the chief executive of any trust registered under the Trusts Act, 1882 (II of 1882) running any general or specialised hospital or any diagnostic centre shall be responsible for making any payment to any doctor which may be payable to him on account of fees for services rendered by him to a patient in such hospital or diagnostic centre and shall, at the time of making such payment, deduct income tax at the rate of five *per cent* on the amount so payable.

Deduction at source from fees for professional and technical services

(2) The Government or any other authority, corporation or body, including its units, the activities of which are authorised by any Act, Ordinance, Order or instrument having the force of law in Bangladesh, or any company as defined in clause (20) of section 2 or any banking company or any insurance company or any co-operative bank or any non- Government organisation registered with NGO Affairs Bureau, responsible for making any payment on account of royalty or technical know-how fee to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, as advance payment of tax at the rate of ten *per cent* of such royalty or fees.

(3) The Government or any other authority, corporation or body, including its units, the activities of which are authorised by any Act, Ordinance, Order or instrument having the force of law in Bangladesh, or any company as defined in clause (20) of section 2 or any banking company or any insurance company or any co-operative bank or any non- Government organisation registered with NGO Affairs Bureau, responsible for making any payment on account of fees for professional or technical services shall deduct or collect, at the time of credit of such fees to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, as advance payment of tax at the rate of ³[ten *per cent*] of such fees:

¹ Sections 52A, 52B and 52C were inserted by section 6 of অর্থ আইন, ১৯৯৮ (১৯৯৮ সনের ১৪ নং আইন).

² Section 52A was substituted by section 21 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

³ The words “ten per cent” were substituted for the words “five percent” by section 19 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

Provided that where the Board, on an application made in this behalf, gives a certificate in writing that the person rendering professional or technical services is not likely to have any assessable income during the year or the income is otherwise exempted from tax under any provision of this Ordinance, payment referred to in this section shall be made without any deduction until the certificate is cancelled.

Explanation.- For the purposes of this section-

- (a) “professional services” means services rendered by a person in the course of carrying on legal, engineering or architectural profession or the profession of accountancy or technical consultancy or interior decoration or advertising but does not include services rendered by doctors;
- (b) “fees for technical services” shall have the same meaning as in clause (31) of section 2 but does not include royalty, technical know-how fee.]

Deduction from the payment of certain services

¹[52AA. The Government or any other authority, corporation or body, including its units, the activities of which are authorised by any Act, Ordinance, Order or instrument having the force of law in Bangladesh or any company as defined in clause (20) of section 2 of this Ordinance or any banking company or any insurance company or any co-operative bank or any non- Government organisation registered with the NGO Affairs Bureau, responsible for paying any commission to a ²[* * *] stevedoring agency or making any payment to a private security service agency, shall deduct income tax at the rate of five *per cent* on the amount so payable at the time of such payment.]

Collection of tax from clearing and forwarding agents

³[52AAA. The Commissioner of Customs shall make collection on account of commission receivable by clearing and forwarding agents licensed under Customs Act, 1969 at the rate of five *per cent* on such commission at the time of clearance of goods imported or exported.]

¹ Section 52AA was inserted by section 43 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

² The words “clearing and forwarding agency or” were omitted by section 22 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

³ Section 52AAA was inserted by section 23 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

52B. Any person responsible for selling banderols to any manufacturer of cigarettes shall, at the time of selling banderols, collect tax from such manufacturer on account of the manufacture of cigarettes at the rate of ¹[four *per cent*] of the value of the banderols.

Collection of tax from Cigarette manufacturers

Explanation.- For the purposes of this section, “manufacture of cigarettes” means manufacture of cigarettes manually without any mechanical aid whatsoever.

52C. Any person responsible for paying any amount of compensation against acquisition by the Government of any immovable property situated within the jurisdiction of any city corporation, paurashava or cantonment board shall, at the time of paying such compensation, deduct advance tax at the rate of six *per cent* of the amount of such compensation.]

Deduction at source from compensation against acquisition of property

²[**52D.** Any person responsible for making any payment by way of interest on any savings instruments shall, at the time of such payment, deduct income tax at the rate of ³[five *per cent*] on such interest:

Deduction at source from interest on savings instruments

⁴[* * *]

Provided ⁵[* * *] that the provisions of this section shall not apply to the savings instruments purchased on or before the tenth day of ⁶[June, 1999 and on or after the first day of January, 2004] ⁷[:

¹ The words “four per cent” were substituted for the words “three per cent” by section 20 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

² Sections 52D, 52E, 52F, 52G, 52H and 52I were inserted by section 6 of অর্থ আইন, ১৯৯৯ (১৯৯৯ সনের ১৬ নং আইন).

³ The words “five per cent” were substituted for the words “ten per cent” by section 44 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁴ The proviso was omitted by section 44 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁵ The word “further” was omitted by section 44 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁶ The words, commas and figures “June, 1999 and on or after the first day of January, 2004” were substituted for the word, comma and figure “June, 1999” by section 24 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

⁷ The colon (:) was substituted for the full-stop (.) and thereafter proviso was added by section 44 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

Provided further that no tax shall be deducted under this section where the savings instrument is purchased by an approved superannuation fund or pension fund or gratuity fund or a recognised ¹[provident fund or a workers' profit participation fund].

52E. [Collection of tax on account of bonus- Omitted by section 53 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).]

Collection of tax from brick manufacturers

²**52F.** Any person responsible for issuing any permission or renewal of permission for the manufacture of bricks shall, at the time of issuing such permission or renewal of permission, collect tax from such manufacturer at the time of issuance of such permission or renewal at the following rates:

- (a) taka seven thousand and five hundred for one section brick field;
- (b) taka ten thousand for one and half section brick field;
- (c) taka fifteen thousand for two section brick field:

Explanation:- For the purpose of this section, the word "section" shall have the same meaning as defined in মৌসুমী ইটভাটা মূল্য সংযোজন কর বিধিমালা, ২০০৪.]

52G. [Deduction from fees for services rendered by doctors.- Omitted by section 25 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).]

52H. [Collection of tax from persons engaged in the real estate business.- Omitted by section 64 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).]

¹ The words and comma "provident fund or a workers' profit participation fund" were substituted for the words "provident fund" by section 25 of অর্থ আইন, ২০০৩ (২০০৩ সনের ১৭ নং আইন).

² Section 52F was substituted by section 21 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

52I. Any person responsible for opening letter of credit for the purpose of import of goods for himself or for any other person shall, at the time of collecting commission with respect to letter of credit, deduct income tax at the rate of five *per cent* on the amount of such commission.] Deduction from the commission of letter of credit

52J. *Collection of tax from travel agent-* [Omitted by section 54 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).]

53. ¹[(1) ²[The Commissioner of Customs] shall make collection of tax payable by the importers on account of import of goods and the bank through which the exporters receive payment shall make collection of tax payable by the exporters on account of export of goods.] Collection of tax from importers and exporters

(2) The Board shall, for the purpose of collection of tax under sub-section (1),-

- (a) specify the importers and exporters from whom collection, are to be made; and
- (b) prescribe the method and rate of calculation of the amount to be collected and the manner of collection.

(3) Any amount collected under sub-section (1) shall be deemed to be an advance payment of tax by the importer or exporter concerned and shall be given credit for, in the assessment of his tax.

³**53A.** ⁴[(1) Where the Government or any authority, corporation or body, including its units, the activities or the principal activities of which are authorised by any Act, Ordinance, Order or instrument having the force of law in Deduction at source from income from house property

¹ Section 53 of sub-section (1) was substituted by section 8 of অর্থ আইন, ১৯৯২ (১৯৯২ সনের ২১ নং আইন).

² The words “The Commissioner of Customs” were substituted for the words “The Collector of Customs” by section 55 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

³ Sections 53A, 53B, 53C and 53D were inserted by section 8 of অর্থ আইন, ১৯৮৮ (১৯৮৮ সনের ৩৩ নং আইন).

⁴ Sub-section (1) was substituted by section 8 of অর্থ আইন, ১৯৯২ (১৯৯২ সনের ২১ নং আইন).

Bangladesh or ¹[any company as defined in clause (20) of section 2], or any banking company or any co-operative bank established by or under any law for the time being in force or any non-Governmental organisation run or supported by any foreign ²[donation or assistance or any university or medical college or dental college or engineering college] is a tenant in respect of a house property, the tenant shall deduct from the house rent paid or payable as advance tax such amount as may be prescribed.]

³[**Explanation.-** For the purpose of this section, “house rent” means any payment, by whatever name called, under any lease, tenancy or any other agreement or arrangement for the use of any building including any furniture, fittings and the land appurtenant thereto.]

(2) Where, after the assessment made for that relevant year, it is found the no tax was payable by the owner of the house property or the amount of tax deducted is in excess of the amount payable, the amount deducted shall be refunded,-

- (a) if no tax was payable, in full, or
- (b) if the amount deducted is in excess of the amount payable, to the extent of the excess deduction to the owner of the house property.

(3) Where the Deputy Commissioner of Taxes, on an application made in this behalf, gives a certificate in the prescribed form to an owner of house property that, to the best of his belief, the owner is not likely to have any assessable income during the year or the income is otherwise exempted from payment of income tax under any provisions of this Ordinance, payment referred to in sub-section (1) shall be made without any deduction until the certificate is cancelled.

¹ The words “any company as defined in clause (20) of section 2” were substituted for the words, brackets and figure “any company as defined in the Companies Act, 1913 (VII of 1913)” by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

² The words “donation or assistance or any university or medical college or dental college or engineering college” were substituted for the words “donation or assistance” by section 26 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

³ The Explanation was added by section 6 of অর্থ আইন, ১৯৯৯ (১৯৯৯ সনের ১৬ নং আইন).

¹[**53AA.** Commissioner of Customs or any other authority, duly authorised in this behalf, shall not grant port clearance to a ship owned or chartered by a resident assessee unless tax at the rate of four *per cent* of total freight received or receivable in or out of Bangladesh has been paid for carriage of passengers, livestock, mail or goods, shipped at any port of Bangladesh.]

Collection of tax from shipping business of a resident

53B. The Director General, Bureau of Manpower, Employment and Training shall, before giving clearance for export of any manpower, collect from the exporter concerned as advance tax on income on account of such export ²[at such percentage] of the service charge or fees mentioned in clause (n) and clause (r), respectively, of section 19(2) of the Emigration Ordinance, 1982 (XXIX of 1982), as may be prescribed.

Deduction of tax from income derived on account of export of manpower

³[**53BB.** The bank, through which export proceeds of an exporter of knit wear and woven garments is received, shall deduct tax at the rate of zero point two five *per cent* (0.25%) of the total export proceeds at the time of crediting the proceeds to the account of the exporter:

Collection of tax from export of knit-wear and woven garments

Provided that where the Board, on an application made in this behalf, gives a certificate in writing that the income of the exporter is partly or fully exempted from tax under any provision of the Ordinance, credit to the account of the assessee shall be made without any deduction of tax or deduction of tax at a rate less than the rate specified in this section for the period mentioned in that certificate.]

⁴[**53BBB.** The Chief Executive Officer of a stock exchange shall collect tax at the rate of zero point zero one five *per cent* (0.015%) on the value of shares, debentures, mutual funds, bonds or securities transacted by a member of a stock exchange at the time of payment for such transaction.]

Collection of tax from Member of Stock Exchanges

¹ Section 53AA was inserted by section 22 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

² The words “at such percentage” were substituted for the words and the comma “at such rate, not exceeding seven and a half per cent.” by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

³ Section 53BB was inserted by section 23 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

⁴ Section 53BBB was inserted by section 24 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

Collection of tax on sale price of goods or property sold by public auction

53C. Any person making sale, by ¹[public auction through sealed tender or otherwise], of any goods or property belonging to the Government or any authority, corporation or body, including its units, the activities or the principal activities of which are authorised by any Act, Ordinance, order or instrument having the force of law in Bangladesh or any company, other than a private limited company, as defined in ²[the Companies Act, 1913 (VII of 1913) or কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮নং আইন)] or any banking company, or any insurance company or any co-operative bank established by or under any law for the time being in force shall collect, before delivering the possession of the goods or the property, as advance tax on the income from the sale price of such goods or property from the auction purchaser at such rate, not exceeding seven and a half *per cent* of the sale price, as may be prescribed.

Explanation.-For the purposes of this section, sale of any goods or property includes the awarding of any lease to any person, including a lease of the right to collect *octroi* duties, tolls, fees or other levies, by whatever name called, but does not include sale of a plot of land.

Deduction or collection of tax at source from courier business of a non-resident

³**53CC.** Any person being a company registered under the Companies Act, 1913 (VII of 1913) or কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮ নং আইন) working as local agent of a non-resident courier company shall deduct or collect tax in advance at the rate of five *per cent* on the amount of service charge accrued from the shipment of goods, documents, parcels or any other things outside Bangladesh.]

Deduction from payment to actors and actresses

53D. Where any payment is to be made, in full or in part or by way of advance, by a person producing a film, on account of acting in any film by a film actor or actress and such payment exceed or is likely to exceed thirty six thousand taka in the

¹ The words “public auction through sealed tender or otherwise” were substituted for the words “public auction” by section 4 of অর্থ আইন, ১৯৯৬ (১৯৯৬ সনের ১৮ নং আইন).

² The words, commas, figures, and brackets “the Companies Act, 1913 (VII of 1913) or কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮নং আইন)” were substituted for the words, comma, figures and brackets “ the Companies Act, 1913 (VII of 1913)” by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

³ Section 53CC was inserted by section 20 of অর্থ আইন, ২০০৬ (২০০৬ সনের ২২ নং আইন).

aggregate in any income year, the person producing the film shall deduct, before making such payment, tax on the income from acting in such film at such rate, not exceeding seven and a half *per cent* of such payment, as may be prescribed.]

¹[53DD. Any person responsible for paying any amount on account of export cash subsidy to an exporter for promotion of export shall deduct or collect tax in advance at the rate of five *per cent* on the amount so payable.]

Deduction of tax at source from export cash subsidy

²[53E. Any person, being a corporation, body or authority established by or under any law including any company or enterprise owned, controlled or managed by it, or a company registered under the Companies Act, 1913 (VII of 1913) or কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮ নং আইন) which makes any payment to any distributor or to any other persons by way of commission or fees ³[or allows any discount] for distribution or marketing of goods manufactured by it shall deduct or collect at the time of credit of such commission or fees or at the time of payment thereof, whichever is earlier, ⁴[or at the time of allowing discount] as advance tax an amount at the rate of ⁵[five *per cent* of commission or fees payable or discount allowed.]

Deduction or collection at source from [commission, discount or fees]

⁷[53EE. Where, in accordance with the terms of the letter of credit or under any other instruction, a bank, through which an exporter receives payment for export of goods, pays any amount out of the export proceeds to the credit of any person being an agent or a representative of the foreign buyer, as

Deduction of tax from commission or remuneration paid to agent of foreign buyer

¹ Section 53DD was inserted by section 21 of অর্থ আইন, ২০০৬ (২০০৬ সনের ২২ নং আইন).

² Section 53E was substituted by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

³ The words “or allows any discount” were inserted by section 56 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

⁴ The words “or at the time of allowing discount” were inserted by section 56 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

⁵ The words “five *per cent* of commission or fees payable or discount allowed” were substituted for the words “five *per cent* of commission or fees payable” by section 56 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

⁶ The words and comma “commission, discount or fees” were substituted for the words “commission or fees” by section 56 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

⁷ Section 53EE was inserted by section 66 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

commission, charges or remuneration by whatever name it may be called, the bank shall deduct or collect tax in advance at the rate of two and half *per cent* on the commission, charges or remuneration so paid at the time of such payment.]

Deduction at source from interest on saving deposits and fixed deposits, etc.

¹[53F. Any person responsible for paying to a resident any sum by way of interest on any saving deposit or fixed deposit or any term deposit maintained with any scheduled bank including a co-operative bank or by way of share of profit on term deposits maintained with any bank ²[run on Islamic principles or non-banking financial institution or any leasing company or housing finance company], as the case may be, shall deduct, at the time of credit of such interest or share of profit to the account of the payee or at the time of payment thereof, whichever is earlier, income tax on such sum at the rate of ten *per cent*:

Provided that nothing contained in this section shall apply to such payee or class of payees as the Board may, by a general or special order, specify in this behalf.

Collection of tax from persons engaged in real estate or land development business

³[53FF. Any person responsible for registering any document for transfer of any land or building or apartment, under the provision of Registration Act 1908 (XVI of 1908), shall not register the document unless tax is paid at the following rate by the transferrer who is engaged in real estate or land development business,-

- (a) in case of building or apartment at the rate of taka one hundred and seventy five per square metre;
- (b) in case of land at the rate of two and half *per cent* of the deed value.]

¹ Sections 53F and 53G were inserted by section 8 of অর্থ আইন, ১৯৯০ (১৯৯০ সনের ৪৫ নং আইন).

² The words “run on Islamic principles or non-banking financial institution or any leasing company or housing finance company” were substituted for the words “run on Islamic principles” by section 25 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

³ Section 53FF was inserted by section 26 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

53G. Any person responsible for paying to a resident any sum by way of remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business including business relating to the continuance, renewal or revival of policies of insurance shall, at the time of credit of such sum to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct income tax on such sum at the rate of ¹[five per cent] ²[:

Deduction at source from insurance commission

Provided that no tax shall be deducted under this section if total amount of insurance commission during the income year does not exceed ³[forty thousand taka].]

⁴[**53GG.** A person responsible for paying to a resident any sum by way of remuneration or fees for conducting any survey regarding settlement of claim of an insurance shall, at the time of payment, deduct income-tax on such sum at the rate five per cent]

Deduction at source from fees, etc. of surveyors of general insurance company

⁵[**53GGG.** Any person responsible for collecting the credit bill amount resulting from the use of credit cards shall collect tax in advance at the rate of three per cent on the amount so payable by the credit card holder.]

Collection of tax on the credit bill amount of credit cards

⁶[**53H.** ⁷[(1) Any person responsible for registering any document of a person under the provisions of clauses (b), (c) or (e) of sub-section (1) of section 17 of the Registration Act,

Collection of tax on transfer, etc. of property

¹ The words “five per cent” were substituted for the words “ten per cent” by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

² The colon (:) was substituted for the full-stop (.) and thereafter the proviso was added by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

³ The words “forty thousand taka” were substituted for the words “twenty-five thousand taka” by section 67 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

⁴ Section 53GG was inserted by section 68 of অর্থ আইন, ২০০০ (২০০০ সনের ১৫ নং আইন).

⁵ Section 53GGG was inserted by section 22 of অর্থ আইন, ২০০৬ (২০০৬ সনের ২২ নং আইন).

⁶ Section 53H was inserted by section 7 of অর্থ আইন, ১৯৯১ (১৯৯১ সনের ২১ নং আইন).

⁷ Sub-section (1) was substituted by section 8 of অর্থ আইন, ১৯৯২ (১৯৯২ সনের ২১ নং আইন).

1908 (XVI of 1908), shall collect from the person whose right, title or interest is sought to be transferred, assigned, limited or extinguished thereby, at the time of registration of such document, income tax at such rate and in such manner as may be prescribed on the value of the property to which the document relates and on which stamp-duty is chargeable under the Stamp Act, 1899 (II of 1899).]

(2) Nothing in this section shall apply to a document relating to:

- ¹[(a) sale by a bank or any financial institution as a mortgagee empowered to sell;]
- (b) mortgage of any property to the Bangladesh House Building Finance Corporation established under the Bangladesh House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973), against loan;
- (c) mortgage to any bank of any property ²[* * *];
- (d) transfer of any agricultural land in Bangladesh, not being land situate in any area mentioned in paragraph (i) or (ii) of sub-clause (c) of clause (15) of section 2;
- (e) transfer of any non-agricultural land valued at a sum not exceeding one lakh taka, situated outside the jurisdiction of any city corporation, paurashava or cantonment board ³;

⁴[* * *]]

⁵[**Explanation.**-In this sub-section, “financial institution” shall mean the Bangladesh House Building Finance Corporation, the Bangladesh Shilpa Bank and the Bangladesh Shilpa Rin Sangshta.]]

¹ Clause (a) was substituted by section 6 of অর্থ আইন, ১৯৯৪ (১৯৯৪ সনের ১১ নং আইন).

² The words “valued at a sum not exceeding one lakh taka” were omitted by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

³ The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (f) was added by section 46 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁴ Clause (f) was omitted by section 27 of অর্থ আইন, ২০০৪ (২০০৪ সনের ১৬ নং আইন).

⁵ The Explanation was inserted by section 6 of অর্থ আইন, ১৯৯৪ (১৯৯৪ সনের ১১ নং আইন).

¹[54. (1) The principal officer of a company registered in Bangladesh, or of any other company shall, subject to the provisions of sub-section (2), at the time of paying any dividend to a shareholder, deduct tax on the amount of such dividend, in the case of-

Deduction of tax from dividends

- (a) a non-resident,-
 - (i) if the shareholder is a company, at the rate applicable to a company;
 - (ii) if the shareholder is a person other than a company, at the maximum rate;
- (b) a resident,-
 - (i) if the shareholder is a company, at the rate applicable to a company;
 - (ii) if the shareholder is a person other than a company, at the rate of ten *per cent*.

²[(2) Where, the Deputy Commissioner of Taxes, on an application made in this behalf, issues a certificate to a non-resident share-holder, not being a company, is liable to tax at the rate less than the maximum rate, the payment of the dividend to the non resident share-holder shall be made without any deduction of tax or at a rate less than the maximum rate specified in sub-section (1), as the case may be.]

³[* * *]

55. The person responsible for paying any amount on account of winnings referred to in section 19(13) shall, at the time of making such payment, deduct tax ⁴[payable on the amount at the rate of twenty *per cent*].

Deduction from income from lottery, etc.

¹ Section 54 was substituted by section 7 of অর্থ আইন, ১৯৯১ (১৯৯১ সনের ২১ নং আইন).

² Sub-section (2) was substituted by section 27 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

³ The proviso was omitted by section 27 of অর্থ আইন, ২০০৫ (২০০৫ সনের ১৬ নং আইন).

⁴ The words “payable on the amount at the rate of twenty-five *per cent*” were substituted for the words, figure, brackets and letter “payable on the amount at the rates specified in paragraph 3(b) of the Second Schedule” by section 6 of অর্থ আইন, ১৯৯৪ (১৯৯৪ সনের ১১ নং আইন).

Explanation.-For the purpose of this section, the expression “any amount” means the value of any goods or assets where the payment on account of such winnings is made not in the form of cash but in the form of goods or other assets.

Deduction from income of non-residents

56. (1) Subject to the provisions of sub-section (2), any person responsible for making payment to a non-resident of any amount which constitutes income of such non-resident chargeable to tax under this Ordinance shall, unless such person is himself liable to pay tax thereon as agent, at the time of making such payment, deduct tax on the amount so payable-

- (a) where the payee is a company, at the rate applicable to a company,
- (b) where the payee is a person other than a company, at the maximum rate.

(2) Where ¹[the National Board of Revenue], on an application made in this behalf, gives a certificate that, to the best of ²[its belief], the non-resident will not be liable to pay any tax under this Ordinance, or will be liable to pay tax at a rate less than the maximum rate, payment referred to in sub-section (1) shall be made without any deduction, or, as the case may be, with deduction at the lesser rate specified in the certificate.

Consequences of failure to deduct, etc.

57. ³[(1)] Where a person required by or under the provisions of this Chapter to deduct, collect or pay to the credit of the Government tax, and, in the cases mentioned in section 54, the principal officer and the company of which he is the principal officer, fails to so deduct, collect or pay, or having deducted or collected, fails to pay the tax in accordance with the provisions of this Chapter, he or it shall-

- (a) without prejudice to any other consequences to which he or it may be liable, be deemed to be an assessee in default in respect of the tax; and

¹ The words “the National Board of Revenue” were substituted for the words “the Deputy Commissioner of Taxes” by section 58 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

² The words “its belief” were substituted for the words “his belief” by section 58 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

³ The existing provision of section 57 was numbered as sub-section (1) of that section by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

- (b) in addition to such tax, pay an amount at the rate of two percent per month of such tax for the period commencing on the date following the expiry of the time within which it is to be paid under section 59 and ending on the date of the actual payment of the tax.

¹[(2) The Commissioner of Taxes or the Deputy Commissioner of Taxes, as the case may be, to whom the statement in respect of deduction or collection of tax is required to be submitted in accordance with the rules made under this Ordinance, shall, notwithstanding the provisions of section 137, take necessary action for realisation of tax along with the additional amount payable under clause (b) of sub-section (1) from the person deemed to be an assessee in default under clause (a) of that sub-section.]

58. Every person who deducts or collects tax as required by the provisions of this Chapter shall, at the time of making any payment in relation to which tax has been deducted or collected, furnish to the person to or from whom such payment or collection has been made, a certificate to the effect that the tax has been deducted or collected specifying therein-

Certificate of deduction, etc., of tax

- (a) the amount deducted or collected;
- (b) the rate at which deduction or collection has been made; and
- (c) such other particulars as may be prescribed.

59. All sums deducted or collected as tax under the provisions of this Chapter shall be paid within the prescribed time by the person making the deduction or collection to the credit of the Government or as the Board may direct.

Payment to Government of tax deducted

60. Save as provided in this Ordinance, no person shall charge, withhold, deduct or collect any sum, directly or indirectly, as tax and, where any sum is so charged, withheld, deducted or collected, it shall be paid in the manner provided in section 59.

Unauthorised deduction prohibited

¹ Sub-section (2) was added by section 6 of অর্থ আইন, ১৯৯৫ (১৯৯৫ সনের ১২ নং আইন).

Power to levy tax without prejudice to other mode of recovery

61. The power to levy tax by deduction or collection under this Chapter shall be without prejudice to any other mode of recovery.

Credit of tax deducted or collected at source

62. Any deduction or collection of tax made and paid to the account of the Government in accordance with the provisions of this Chapter shall be treated as a payment of tax on behalf of the person from whose income the deduction or collection was made, or of the owner of the security or of the shareholder, as the case may be, and credit shall be given to him therefore on the production of the certificate furnished under section 58 in the assessment, if any, made for the following year under this Ordinance:

Provided that, if such person or such owner obtains, in accordance with the provisions of this Ordinance, a refund of any portion of the tax so deducted, no credit shall be given for the amount of such refund:

Provided further that where such person or owner is a person whose income is included under the provisions of sections 43(4) or (5) or section 104 or 105 or 106 in the total income of another person, such other person shall be deemed to be the person or owner on whose behalf payment has been made and to whom credit shall be given in the assessment for the following year.

¹[* * *]

Payment of tax where no deduction is made

63. The tax under this Ordinance shall be payable by the assessee direct-

- (a) in any case where tax has not been deducted or collected as required by, and in accordance with, the provisions of this Chapter;
- (b) in any case where the amount deducted or collected is found, after regular assessment, to be less than the tax due from the assessee, to the extent of deficiency; and

¹ The third proviso was omitted by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

- (c) in the case of income in respect of which no provision has been made for deduction or collection of tax under the provisions of this Chapter.

64. ¹[(1) Except as provided in sub-section (2), tax shall be payable by an assessee during each financial year by way of advance payment of tax, hereinafter referred to as "advance tax", in accordance with the provisions hereafter made in this Chapter if the total income of the assessee for the latest income year in respect of which he has been assessed by way of regular assessment or has been provisionally assessed under this Ordinance or the Income-tax Act, 1922 (XI of 1922), ²[exceeds two lakh taka].]

Advance
payment of tax

(2) Nothing in sub-section (1) shall apply to any income classifiable under the heads "Agricultural income" and "Capital gains".

65. (1) The amount of advance tax payable by an assessee in a financial year shall be the amount equal to the tax payable on his total income of the latest income year as assessed on regular basis or provisionally, as the case may be, as reduced by the amount of tax required to be deducted or collected at source in accordance with the preceding provisions of this Chapter.

Computation of
advance tax

(2) The tax payable under sub-section (1) shall be calculated at the rates in force in respect of the financial year referred to therein.

66. Advance tax shall be payable in four equal instalments on the fifteenth day of September, December, March and June of the financial year for which the tax is payable ³[:

Instalments of
advance tax

Provided that, if before the fifteenth day of May of the year, an assessment of the assessee is completed in respect of an income year, later than that on the basis of which the tax was computed under section 65, the assessee shall pay in one

¹ Sub-section (1) was substituted by section 7 of অর্থ আইন, ১৯৯৩ (১৯৯৩ সনের ১৮ নং আইন).

² The words "exceeds two lakh taka" were substituted for the words "exceeds one lakh taka" by section 59 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

³ The colon (:) was substituted for the full stop (.) and thereafter the proviso was added by section of the Finance Ordinance, 1985 (Ordinance No. XXXII of 1985).

instalment on the specified date or in equal instalments on the specified dates, if more than one falling after the date of the said assessment, the tax computed on the revised basis as reduced by the amount, if any, paid in accordance with the original computation.]

Estimate of
advance tax

67. (1) Where, an assessee who is required to pay advance tax under section 64 estimates, at any time before the last instalment is due, that the tax payable by him for the relevant assessment year is likely to be less than the amount of tax as computed under section 65, he may, after giving to the Deputy Commissioner of Taxes an estimate of the tax payable by him, pay such estimated amount of advance tax, as reduced by the amount, if any, already paid, in equal instalments on the due dates of payment under section 66.

(2) The assessee may furnish a revised estimate of such amount at any time before any of such instalments become payable and may thereby adjust any excess or deficiency, by reference to the amount already paid by him under this section, in any subsequent instalment or instalments payable in such financial year.

Advance
payment of tax
by new
assesseees

68. Any person who has not previously been assessed by way of regular assessment under this Ordinance or the Income-tax Act, 1922 (XI of 1922), shall before the fifteenth day of June in each financial year, if his total income, subject to section 64(2), of the period which would be the income year for the immediately following assessment year is likely to exceed ¹[two lakh taka], send to the Deputy Commissioner of Taxes an estimate of his total income and advance tax payable by him calculated in the manner laid down in section 65 and shall pay such amount on such dates specified in section 66 as have not expired by instalments which may be revised according to section 67(2).

Failure to pay
instalments of
advance tax

69. Where, an assessee who is required to pay advance tax fails, to pay any instalment of such tax, as originally computed or as the case may be, estimated, on the due date, he shall be deemed to be an assessee in default in respect of such instalment.

¹ The words “two lakh taka” were substituted for the words “one lakh taka” by section 60 of অর্থ আইন, ২০০১ (২০০১ সনের ৩০ নং আইন).

70. Where, in respect of an assessee who is required to pay advance tax, it is found in the course of regular assessment that advance tax has not been paid in accordance with the provisions of this Chapter, there shall be added, without prejudice to the consequences of the assessee being in default under section 69, to the tax as determined on the basis of such assessment, simple interest thereon calculated at the rate and for the period specified in section 73.

Levy of interest for failure to pay advance tax

71. Any sum, other than a penalty or interest, paid by or recovered from an assessee as advance tax, shall be treated as a payment of tax in respect of the income of the period which would be the income year for an assessment for the year next following the year in which it was payable and shall be given credit for in the assessment of tax payable by the assessee.

Credit of advance tax

72. (1) The Government shall pay simple interest at ¹[ten *per cent*] per annum on the amount by which the aggregate sum of advance tax paid during a financial year exceeds the amount of tax payable by him as determined on regular assessment.

Interest payable by Government on excess payment of advance tax

(2) The period for which interest under sub-section (1) shall be payable shall be the period from the ²[first day of July of the year of assessment] to the date of regular assessment in respect of the income of that year or a period of two years from the said ³[first day of July], whichever is shorter.

73. (1) Where, in any financial year, an assessee has paid advance tax on the basis of his own estimate and the advance tax so paid together with the tax deducted at source, if any, under this Chapter is less than seventy-five *per cent* of the amount of tax payable by him as determined on regular assessment, the assessee shall pay, in addition to the balance of tax payable by him, simple

Interest payable by the assessee on deficiency in payment of advance tax

¹ The words “ten *per cent*” were substituted for the words “twelve *per cent*” by section 6 of অর্থ আইন, ১৯৯৪ (১৯৯৪ সনের ১১ নং আইন).

² The words “first day of July of the year of assessment” were substituted for the words “first day of July of the year in which the advance tax was paid” by section 6 of অর্থ আইন, ১৯৯৮ (১৯৯৮ সনের ১৪ নং আইন).

³ The words “first day of July” were substituted for the words “first day of April” by section 5 of অর্থ আইন, ১৯৯৭ (১৯৯৭ সনের ১৫ নং আইন).

interest at ¹[ten *per cent*] per annum on the amount by which the tax so paid and deducted falls short of the ²[seventy-five *per cent* of the assessed tax.]

(2) The period for which interest under sub-section (1) shall be payable shall be the period from the ³[first day of July] of the year in which the advance tax was paid to the date of regular assessment in respect of the income of that year or a period of two years from the said ⁴[first day of July], whichever is shorter.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where-

- (a) tax is paid under section 74, or
- (b) provisional assessment has been made under section 81 but regular assessment has not been made, the simple interest shall be calculated in accordance with the following provisions-
 - (i) up to the date on which tax under-section 74 or as provisionally assessed, was paid;
 - (ii) thereafter, such simple interest shall be calculated on the amount by which the tax as so paid falls short of the said assessed tax.

(4) Where, as a result of appeal, revision or reference, the amount on which interest was payable under sub-section (1) has been reduced, the amount of interest payable shall be reduced accordingly and the excess interest paid, if any, shall be refunded together with the amount of tax that is refundable.

¹ The words “ten *per cent*” were substituted for the words “twelve *per cent*” by section 6 of অর্থ আইন, ১৯৯৪ (১৯৯৪ সনের ১১ নং আইন).

² The words “seventy-five *per cent* of the assessed tax” were substituted for the words “the assessed tax” by section 8 of অর্থ আইন, ১৯৯২ (১৯৯২ সনের ২১ নং আইন).

³ The words “first day of July” were substituted for the words “first day of April” by section 48 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

⁴ The words “first day of July” were substituted for the words “first day of April” by section 48 of অর্থ আইন, ২০০২ (২০০২ সনের ১৪ নং আইন).

74. (1) Every person who is required to file a return under section 75 shall, on or before the date on which he files the return, pay the amount of the tax payable by him on the basis of such return as reduced by the amount of any tax deducted from his income or paid by him in accordance with the provisions of this Chapter.

Payment of tax on the basis of return

(2) Any amount paid under sub-section (1) shall be deemed to have been paid towards the sum as may be determined to be payable by him after regular assessment.

(3) A person who, without reasonable cause, fails to pay the tax as required by sub-section (1) shall be deemed to be an assessee in default.

CHAPTER VIII

RETURN AND STATEMENT

75. (1) Save as provided in section 76, every person shall file or cause to be filed, with the Deputy Commissioner of Taxes, a return of his income or the income of any other person in respect of which he is assessable to tax under this Ordinance,-

Return of income

- (a) if his total income during the income year exceeded the maximum amount which is not chargeable to tax under this Ordinance, or
- (b) if he was assessed to tax for any one of the ¹[three years] immediately preceding that income year ²[:

Provided that any non-resident Bangladeshi may file his return of income along with bank draft equivalent to the tax liability, if any, on the basis of such return, to his nearest Bangladesh mission and the mission will issue a receipt of such return with official seal and send the return to the Board.]

¹ The words “three years” were substituted for the words “five years” by section 4 of অর্থ আইন, ১৯৯৬ (১৯৯৬ সনের ১৮ নং আইন).

² The colon (:) was substituted for the full stop (.) and the proviso was added by section 6 of অর্থ আইন, ১৯৯৯ (১৯৯৯ সনের ১৬ নং আইন).