

GUIDE NOTES ON AMENDED RETURN FORM PT FOR YEAR OF ASSESSMENT 2022

Section 77B of the Income Tax Act 1967 (ITA 1967) allows taxpayers to make amendment to the tax computation information in the original return forms that has been submitted to the Director General of Inland Revenue. Operational Guideline No. 1 of the year 2020 in respect of Procedure on Submission of Amended Return Form is available at the Official Portal of Lembaga Hasil Dalam Negeri Malaysia (LHDNM), <https://www.hasil.gov.my> for reference.

I	<p>RULES</p> <ul style="list-style-type: none"> • A limited liability partnership which has furnished a return form in accordance with subsection 77A(1) of ITA 1967, is allowed to make amendment to the return form within a period of six (6) months after the due date specified for furnishing the return form. Tax / Additional tax shall be charged on the chargeable income of the limited liability partnership as a result of the amendment made. • An amended return form can be submitted if the amendment involves the following: <ul style="list-style-type: none"> (a) income under-reported / not reported; (b) over claimed expenses / other claims over claimed; or (c) over claimed capital allowances / incentives / reliefs over claimed. • The amendment using the amended return form shall only be made once for a year of assessment. • A limited liability partnership which intends to make the amendment is required to complete a form prescribed under section 152 of ITA 1967 (known as the 'Amended Return Form'). • The amendment shall only be made once for a year of assessment. • No amendment is allowed if the Director General of Inland Revenue has made additional assessment under section 91 of ITA 1967 for that year of assessment. • For the purpose of section 77B of ITA 1967, the amended return form shall:- <ul style="list-style-type: none"> (a) specify the amount / additional amount of chargeable income and the amount of tax / additional tax payable on that chargeable income; (b) specify the amount of tax payable on the tax which has or would have been wrongly repaid; (c) specify the increased sum ascertained in accordance with subsection 77B(4) of ITA 1967; or (d) contain such particulars as may be required by the Director General of Inland Revenue.
II	<p>RATE AND COMPUTATION OF INCREASE IN TAX</p> <p>The tax or additional tax payable is subject to an increase in tax under subsection 77B(4) of ITA 1967.</p> <p>The amount of increase in tax charged for an amended return form furnished within a period of six (6) months after the due date specified in subsection 77A of ITA 1967, shall be 10% of the amount of such tax payable or additional tax payable, as shown in the following formula:-</p> <p align="center">(A x 10%)</p> <p>where: A = the amount of such tax payable or additional tax payable</p> <p>A limited liability partnership making the amendment is required to compute and enter the amount of increase in tax at item C4 on page 1 of the amended return form .</p>
III	<p>DEEMED ASSESSMENT</p> <p>Pursuant to section 91A of ITA 1967, an amended return form furnished in accordance with section 77B of ITA 1967 shall be deemed to be a notice of assessment or notice of additional assessment, and that notice shall be deemed to have been served on the day on which the amended return form is furnished.</p>
IV	<p>DECLARATION</p> <p>This section must be signed by the person specified in subsection 75B (1) of ITA 1967.</p>
V	<p>SUBMISSION OF AMENDED RETURN FORM</p> <ul style="list-style-type: none"> • An amended return form which has been completed and duly signed must be sent to the LHDNM branch which handles the tax file of the limited liability partnership. Ensure that the amended return form and attachments submitted are printed in full as issued by the LHDNM.