

Income/Franchise:

Indiana DOR Memo Says Amended Return Filed After IRS Advance Pricing Agreement is Timely

Memorandum of Decision 02-20231766, 02-20231767, 02-20231768, Ind. Dept. of Rev. (2/19/24). A recently posted Indiana Department of Revenue (Department) memorandum of decision concludes that an out-of-state business successfully showed that it timely filed Indiana corporate income tax refund claims because its amended Indiana returns for the tax years at issue were filed within 180 days after its “Advance Pricing Agreement” (APA) with the Internal Revenue Service (IRS) was finalized. Under the facts, the taxpayer’s APA was finalized with the IRS on November 4, 2022, and the Department explained that this constituted a final determination concerning the disputed tax issue between the IRS and the taxpayer – and this agreement was final and conclusive and cannot be reopened or appealed by either the taxpayer or the IRS. Because the taxpayer subsequently filed its amended Indiana tax returns on January 4, 2023 – which was 61 days after the APA was finalized – the Department held that such filings were “well within the 180-day requirement for filing amended returns for tax years 2016, 2017, and 2018.” Please contact us with any questions.

URL: <http://iac.iga.in.gov/iac/20240424-IR-045240140NRA.xml.pdf>

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