

DELAWARE DIVISION OF REVENUE

TECHNICAL INFORMATION MEMORANDUM 2017-1

DATE: 02/13/2017

SUBJECT: C CORPORATION RETURN FILING DEADLINES – AUTOMATIC EXTENSION

For tax years beginning after December 31, 2015, Congress passed legislation that modified the filing deadlines for various business-related income tax returns. As a result of this federal legislation, the deadline for filing the Form 1100, Delaware Corporation Income Tax Return (the “Delaware Return”), now falls before the deadline for filing the Form 1120, U.S. Corporation Income Tax Return (the “Federal Return”), which creates concerns because the Delaware Return is based upon figures that appear on the Federal Return. While the Department of Finance is planning to submit legislation to the Delaware Legislature for its consideration that will address these deadlines, this TIM is intended to address the immediate consequences of this change.

Pursuant to 30 *Del. C.* § 511(a), the Director of the Division of Revenue has broad discretion to grant reasonable extensions of time for the filing of any return, on such terms and conditions as the Director determines are appropriate. In the interest of efficient tax administration, by issuance of this TIM, the Director grants all C corporations required to file a Form 1100 for a tax year beginning after 1/1/16 but prior to 1/1/17, an automatic extension of time to the due date of the taxpayer’s Federal Return, without regard to extensions, to file the corresponding Delaware Return. If a Delaware taxpayer would like an extension of time to file the Delaware Return beyond the original due date of the Federal Return, the Delaware taxpayer may submit a form 1100-EXT to the Division of Revenue, which will be processed in the ordinary course.

Please note that this TIM **DOES NOT** modify the deadline for filing the corporation’s first installment of estimated tax, which shall remain April 1, 2017, or the first day of the fourth month after the end of the corporation’s fiscal year.

Taxpayers with general questions about the application of Delaware law and procedures may call the Division of Revenue Help Line at (302) 577-8200, or visit the Division's website at [http://www.state.de.us/revenue] where information about tax topics and links to phone numbers for other information may be found.