

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II,  
SECTION 3, SUB-SECTION (ii)]

**GOVERNMENT OF INDIA**  
**MINISTRY OF FINANCE**  
**DEPARTMENT OF REVENUE**  
**(CENTRAL BOARD OF DIRECT TAXES)**

**Notification**

New Delhi, the 24<sup>th</sup> day of September, 2013

**INCOME-TAX**

**S.O.2900(E).**- In exercise of the powers conferred by section 245Q read with section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. (1) These rules may be called the Income-tax (18<sup>th</sup> Amendment) Rules, 2013.  
(2) They shall come into force on the 1<sup>st</sup> day of April, 2015.

2. In the Income-tax Rules, 1962, –

(i) in rule 44(E), in sub-rule (1), after item (c), the following item shall be inserted, namely.-

“ (d) in Form No. 34EA, in respect of an applicant referred to in sub-clause (iiia) of clause (b) of section 245N of the Act.”;

(ii) in Appendix-II, after the No. 34E, the following Form shall be inserted, namely: -

**“FORM No. 34EA**

[See rule 44E]

**Form of application for obtaining an advance ruling under section 245Q (1)  
of the Income-tax Act, 1961**

(PLEASE READ THE NOTES CAREFULLY BEFORE FILLING THIS FORM)

BEFORE THE AUTHORITY FOR ADVANCE RULINGS

**Application No.** \_\_\_\_\_ **of** \_\_\_\_\_

1. Full name and address of the applicant
2. Telephone, Fax No. and e-mail
3. Status (Individual/ Company, etc)
4. Resident or non-resident in India
5. Country of which he is resident (in case of non-resident in India)
6. Basis of claim for being a non-resident
7. The Commissioner having jurisdiction over the applicant (only in the case of existing assesseees)
8. Permanent Account Number, if any
9. Details of the arrangement to be undertaken by the applicant on which determination or decision of the authority is required
  - (i) brief description of the arrangement
  - (ii) purpose or purposes of the arrangement
  - (iii) details of the other parties to the arrangement in following format

S. No.	Name of the other party (ies) to the arrangement	Whether resident in India	PAN	Role of such party in arrangement	Relationship with other party (ies) to the arrangement	Tax benefit arising to the other party(ies) , if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)

10. The tax benefit which is likely to arise out of arrangement, if undertaken.
11. Assessment year or years during which the tax benefit as indicated in item No. 10 is likely to arise.(give year-wise break-up)
12. Question(s) relating to the proposed arrangement on which the advance ruling is required.
13. Statement of the relevant facts having a bearing on the item No. 12.
14. Statement containing the applicant's interpretation of law or facts, as the case may be, in respect of the aforesaid arrangement.
15. List of documents or statements attached

\_\_\_\_\_  
Signed  
(Applicant)

### Verification

I, \_\_\_\_\_ son/daughter/wife

[name in full and in block letters]

of \_\_\_\_\_ do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents accompanying such annexure(s), is correct and complete. I further declare that I am making this application in my capacity as \_\_\_\_\_ and that I am competent to make this

(designation)

application and verify it.

I also declare that the question on which the advance ruling is required is not pending in my case before any income-tax authority, the Appellate Tribunal or any court.

Verified today the \_\_\_\_\_ day of \_\_\_\_\_

Place \_\_\_\_\_

\_\_\_\_\_  
Signed  
(Applicant)

### Notes:

1. The application shall be filled in English or Hindi in quadruplicate.

2. The number and year of receipt of the application will be filled in the office of the Authority for Advance Rulings.
3. If the space provided for answering any item in the application is found insufficient, separate enclosures may be used for the purpose. These should be signed by the applicant.
4. The application shall be accompanied by an account payee demand draft of ten thousand Indian rupees drawn in favour of Authority for Advance Rulings, payable at New Delhi. Particulars of the draft should be given in reply to item No. 16.
5. In reply to item No. 4, if the applicant is a company, association of persons or Hindu undivided family, etc., the country of residence thereof is to be given and not of the individual who is filing the application on behalf of such person.
6. In reply to item No. 5, the applicant must state whether he/it is an individual, Hindu undivided family, firm, association of persons or company.
7. For item No. 6, the reply shall be given in the context of the provisions regarding 'residence' in India as contained in section 6 of the Income-tax Act. The position in this regard is as follows:

An individual is said to be 'resident' in any financial year, if he has been in India during that year:

- for a period or periods of 182 days or more; or
- for a period or periods of 60 days or more and has also been in India within the preceding four years for a period or periods of 365 days or more.

However, the period of 60 days is increased to 182 days in the case of a citizen of India or a person of Indian origin who has been outside India and comes on a visit to India, a citizen of India who leaves India for purposes of employment outside India, or as a member of the crew of an Indian ship.

An association of persons or a Hindu undivided family is resident in India in every case except where the control and management of its affairs is situated wholly outside India.

A company is resident in India, if it is an Indian company or the control and management of its affairs is situated wholly in India.

A person who is not resident in India as above, is non-resident in India.

8. Regarding item No. 12, the question(s) should be based on actual or proposed arrangements. Hypothetical questions shall not be entertained.

9. In respect of item No. 13, in Annexure I, the applicant shall state in detail the relevant facts and also disclose the nature of his business or profession and the likely date and purpose of the proposed arrangement(s). Relevant facts reflected in documents submitted along with the application shall be included in the statement of facts and not merely incorporated by reference.
10. For item No. 14, in Annexure II, the applicant shall clearly state his interpretation of law or facts in respect of the question(s) on which the advance ruling has been sought.
11. The application, the verification appended thereto, the annexures to the application and the statements and documents accompanying the annexures, shall be signed,-

(a) in the case of an individual,-

(i) by the individual himself, and

(ii) where, for any unavoidable reason, it is not possible for the individual to sign the application, by any person duly authorised by him in this behalf :

Provided that in a case referred to in sub-clause (ii), the person signing the application holds a valid power of attorney from the individual to do so, which shall be attached to the application ;

(b) in the case of a Hindu undivided family,-

(i) by the karta thereof, and

(ii) where, for any unavoidable reason, it is not possible for the karta to sign the application, by any other adult member of such family ;

(c) in the case of a company,-

(i) by the Managing Director thereof, or where for any unavoidable reason such Managing Director is not able to sign and verify the application, or where there is no Managing Director, by any Director thereof ;

(ii) where, for any unavoidable reason, it is not possible for the Managing Director or the Director to sign the application, by any person duly authorised by the company in this behalf :

Provided that in the case referred to in sub-clause (ii), the person signing the application holds a valid power of attorney from the company to do so, which shall be attached to the application ;

- (d) in the case of a firm, by the managing partner thereof, or where for any unavoidable reason such managing partner is not able to sign and verify the application, or where there is no managing partner as such, by any partner thereof, not being a minor ;
- (e) in the case of an association of persons, by any member of the association or the principal officer thereof ; and
- (f) in the case of any other person, by that person or by some person competent to act on his behalf.

ANNEXURE I

**Statement of the relevant facts having a bearing on the  
question(s) on which the advance ruling is required**

\_\_\_\_\_  
\_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_

Signed  
(Applicant)

ANNEXURE II

**Statement containing the applicant's interpretation of law  
or facts, as the case may be, in respect of the question(s)  
on which advance ruling is required**

\_\_\_\_\_  
\_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Signed  
(Applicant) ”.

[Notification No. 76/2013/ F.No.142/19/2013-TPL]

**(Amit Katoch)**  
**Under Secretary to the Government of India**

**Note. -** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* Notification number S.O.969 (E), dated the 26<sup>th</sup> March, 1962 and last amended by Income-tax (17<sup>th</sup> Amendment) Rules, 2013 *vide* Notification number S.O. 2887(E) dated 23-09-2013.