

[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

Income-tax

New Delhi, the 28th day of November, 2014

S.O.3015 (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 (**12th Amendment**) Rules, 2014.
(2) They shall come into force on the date of its publication in the Official Gazette.
2. In the Income-tax Rules, 1962 (hereinafter referred to as the said rules), in rule 44E,-
 - (A) in the marginal heading, for the words “Form of application for obtaining an advance ruling” the words “Application for obtaining an advance ruling” shall be substituted;
 - (B) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) An application for obtaining an advance ruling under sub-section (1) of section 245Q shall be made in quadruplicate,—

 - (a) in Form No. 34C in respect of a non-resident applicant referred to in sub-clause (i) of clause (a) of section 245N;
 - (b) in Form No. 34D in respect of a resident applicant referred to in sub-clause (ii) of clause (a) of section 245N seeking advance ruling in relation to a transaction undertaken or proposed to be undertaken by him with a non-resident; and
 - (c) in Form No. 34DA in respect of a resident applicant referred to in sub-clause (iia) of clause (a) of section 245N falling within any such class or category of person as notified by the Central Government in exercise of the powers conferred by sub-clause (iia) of clause (b) of that section;

- (d) in Form No. 34E in respect of a resident falling within any such class or category of person as notified by the Central Government in exercise of the powers conferred by sub-clause (iii) of clause (b) of section 245N; and
- (e) in Form No. 34EA, in respect of an applicant referred to in sub-clause (iiia) of clause (b) of section 245N of the Act, and shall be verified in the manner indicated therein.”

(C) after sub-rule (2), the following sub-rules shall be inserted, namely:-

“3. Every application in the Form as applicable shall be accompanied by the proof of payment of fees as specified in sub-rule (4).

4. The fees payable along with application for advance ruling shall be in accordance with the following table:

Table

Category of applicant	Category of case	Fee
(1)	(2)	(3)
An applicant referred to in sub-clauses (i) or (ii) or (iia) of clause (b) of section 245N	Amount of one or more transaction, entered into or proposed to be undertaken, in respect of which ruling is sought does not exceed Rs. 100 crore.	Rs. 2 lacs
	Amount of one or more transaction, entered into or proposed to be undertaken, in respect of which ruling is sought exceeds Rs. 100 crore but does not exceed Rs. 300 crore.	Rs. 5 lacs
	Amount of one or more transaction, entered into or proposed to be undertaken, in respect of which ruling is sought exceeds Rs. 300 crore.	Rs. 10 lacs
Any other applicant	In all cases	Rs. 10000”

3. In the said rules, in Appendix-II, after FORM 34D, the following FORM 34DA shall be inserted, namely:-

“FORM NO. 34DA

[See rule 44E]

Form of application by a resident applicant referred to in section 245N(b)(iia) seeking advance ruling under section 245Q(1) of the Income-tax Act, 1961 in relation to a transaction undertaken or proposed to be undertaken by him.

(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 with telephone and Fax Number
2. Status
3. Commissioner and Assessing Officer having jurisdiction over the applicant
4. Permanent Account Number
5. Name, address, telephone/fax number of the person with whom the transaction is undertaken or proposed to be undertaken
6. Question(s) of law or of fact relating to a transaction undertaken or proposed to be undertaken on which the advance ruling is required
7. Statement of the relevant facts having a bearing on the aforesaid question(s)
8. Statement containing the applicant's interpretation of law or facts, as the case may be, in respect of the aforesaid question(s)
9. Whether there are any decisions of the Court on the question raised on which ruling is required? If yes, list of such relevant decisions.
10. List of documents/statements attached
11. Particulars of account payee demand draft accompanying the application

Signed
(Applicant)

Verification

I, _____ [name in full and in block letters]
son/daughter/wife 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 _____ (designation) and
that I am competent to make this application and verify it.

I also declare that the question(s) on which the advance ruling is sought is/are 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 shall 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 applicable fees as per sub-rule (4) of rule 44E of the Income-tax Rules, 1962 in favour of Authority for Advance Rulings, payable at New Delhi. Particulars of the draft should be given in reply to item No. 11.
5. In reply to item No. 2, the applicant shall state whether he/it is an individual, Hindu undivided family, firm, association of persons or company.
6. Regarding item No. 6, the question(s) should be based on actual or proposed transactions. Hypothetical questions will not be entertained.
7. In respect of item No. 7, 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 transaction(s). Relevant facts reflected in documents submitted along with the application must be included in the statement of facts and not merely incorporated by reference.
8. For item No. 8, in Annexure II, the applicant must clearly state his interpretation of law or facts in respect of the question(s) on which the advance ruling has been sought.

9. The application, the verification appended thereto, the annexures to the application and the statements and documents accompanying the annexures, must be signed as per sub-rule (2) of rule 44E of the Income-tax Rules, 1962.

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. 74/2014/ F. No. 142/6/2014-TPL]

(Gaurav Kanaujia)
Director 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 26th March, 1962 and last amended by Income-tax (11th Amendment) Rules, 2014 vide notification S.O. No. 2874(E) dated 10th November, 2014.