

NOTIFICATION NO.58/2013

Dated 5th August, 2013

In exercise of the powers conferred by sub-section (6) of section 195 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, 2013.**

(2) They shall come into force on the **1st day of October, 2013.**

2. In the Income-tax Rules, 1962 (hereafter referred to as the said rules), for rule 37BB, the following rule shall be substituted, namely:-

"Furnishing of information by the person responsible for making payment to a non-resident, not being a company, or to a foreign company

37BB. (1) The person responsible for making any payment to a non-resident, not being a company, or to a foreign company shall furnish the following, namely:-

(i) the information in Part A of Form No.15CA, if the amount of payment does not exceed fifty thousand rupees and the aggregate of such payments made during the financial year does not exceed two lakh fifty thousand rupees;

(ii) the information in Part B of Form No.15CA, if the payment is not chargeable to tax and is of the nature specified in column (3) of the specified list;

(iii) the information in Part C of Form No.15CA for payments other than the payments referred in clause (i) and clause (ii) after obtaining-

(a) a certificate in Form No.15CB from an accountant as defined in the *Explanation* below sub-section (2) of section 288; or

(b) a certificate from the Assessing Officer under section 197; or

(c) an order from the Assessing Officer under sub-section (2) or sub-section (3) of section 195.

(2) The information in Form No.15CA shall be furnished by the person electronically to the website designated by the Income-tax Department and thereafter signed printout of the said form shall be submitted to the authorised dealer, prior to remitting the payment.

(3) An income-tax authority may require the authorised dealer to furnish the signed printout referred to in sub-rule (2) for the purposes of any proceedings under the Act.

(4) The Director General of Income-tax (Systems) shall specify the procedures, formats and standards for ensuring secure capture, transmission of data and shall also be responsible for the day-to-day administration in relation to furnishing the information in the manner specified.

Explanation.- For the purposes of this rule,-

(a) 'authorised dealer' means a person authorised as an authorised dealer under sub-section (1) of section 10 of the Foreign Exchange Management Act, 1999 (42 of 1999);

(b) the specified list refers to the payments of the nature as indicated below:

SPECIFIED LIST

| Sl. No. (1) | Purpose code as per RBI (2) | Nature of payment (3) |
|-------------|-----------------------------|---|
| 1 | S0001 | Indian investment abroad -in equity capital (shares) |
| 2 | S0002 | Indian investment abroad -in debt securities |
| 3 | S0003 | Indian investment abroad -in branches and wholly owned subsidiaries |
| 4 | S0004 | Indian investment abroad -in subsidiaries and associates |
| 5 | S0005 | Indian investment abroad -in real estate |

| (1) | (2) | (3) |
|-----|-------|--|
| 6 | S0011 | Loans extended to Non-Residents |
| 7 | S0101 | Advance payment against imports |
| 8 | S0102 | Payment towards imports- settlement of invoice |
| 9 | S0103 | Imports by diplomatic missions |
| 10 | S0201 | Payments for surplus freight or passenger fare by foreign shipping companies operating in India. |
| 11 | S0202 | Payment for operating expenses of Indian shipping companies operating abroad. |
| 12 | S0203 | Freight on imports – Shipping companies |
| 13 | S0204 | Freight on exports – Shipping companies |
| 14 | S0206 | Booking of passages abroad – Shipping companies |
| 15 | S0208 | Operating expenses of Indian Airlines companies operating abroad |
| 16 | S0209 | Freight on imports - Airlines companies |
| 17 | S0212 | Booking of passages abroad - Airlines companies |
| 18 | S0213 | Payments on account of stevedoring, demurrage, port handling charges etc. |
| 19 | S0301 | Remittance towards business travel. |
| 20 | S0302 | Travel under basic travel quota (BTQ) |
| 21 | S0303 | Travel for pilgrimage |
| 22 | S0304 | Travel for medical treatment |
| 23 | S0305 | Travel for education (including fees, hostel expenses etc.) |
| 24 | S0401 | Postal services |
| 25 | S0501 | Construction of projects abroad by Indian companies including import of goods at project site |
| 26 | S0601 | Payments for life insurance premium |
| 27 | S0602 | Freight insurance - relating to import and export of goods |
| 28 | S0603 | Other general insurance premium |
| 29 | S1011 | Payments for maintenance of offices abroad |
| 30 | S1201 | Maintenance of Indian embassies abroad |
| 31 | S1202 | Remittances by foreign embassies in India |
| 32 | S1301 | Remittance by non-residents towards family maintenance and savings |
| 33 | S1302 | Remittance towards personal gifts and donations |
| 34 | S1303 | Remittance towards donations to religious and charitable institutions abroad |
| 35 | S1304 | Remittance towards grants and donations to other governments and charitable institutions established by the governments. |
| 36 | S1305 | Contributions or donations by the Government to international institutions |
| 37 | S1306 | Remittance towards payment or refund of taxes. |
| 38 | S1501 | Refunds or rebates or reduction in invoice value on account of exports |
| 39 | S1503 | Payments by residents for international bidding". |

3. In the said rules, in Appendix-II, for Form No.15CA and Form No.15CB, the following Forms shall be substituted, namely:-

| | | |
|----------------------------------|---|---|
| Income-Tax Department | "FORM NO.15CA (See rule 37BB) Information to be furnished for payments to a non-resident not being a company, or to a foreign company | Ack. No. <input style="width: 50px; height: 15px;" type="text"/> |
|----------------------------------|---|---|

Part A

(To be filled up if the remittance does not exceed fifty thousand rupees and the aggregate of such remittances made during the financial year does not exceed two lakh fifty thousand rupees

| | | |
|-----------------|---|--------------------------|
| REMITTER | Name of remitter | |
| | PAN of the remitter (if available) ¹ | |
| | TAN of the remitter (if available) | |
| | Complete address, email and phone number of the remitter | |
| | Status of remitter ² | <input type="checkbox"/> |
| REMITTEE | Name of recipient of remittance | |
| | PAN of the recipient of remittance, if available ³ | |
| | Complete address, email ⁴ and phone number ⁵ of the recipient of remittance | |
| | Country to which remittance is made | |

| | | |
|---|---|--|
| REMITTANCE | Amount payable before TDS, if any (In Indian Currency) | |
| | Aggregate amount of remittance made during the financial year including this proposed remittance | |
| | Name of bank | |
| | Name of the branch of the bank | |
| | Proposed date of remittance | |
| | Nature of remittance | |
| | Please specify whether the remittance is chargeable to tax or not? | |
| | If the remittance is chargeable to tax, please furnish the following: (a) Amount of tax deduction (b) Date of deduction | |
| If the remittance is not chargeable to tax, please furnish brief reasons for believing so | | |

VERIFICATION

I/We*, _____ (full name in block letters), son/daughter of _____ in the capacity of _____ (designation) solemnly declare that the information given above is true to the best of my knowledge and belief and no relevant information has been concealed. I/We* further undertake to submit the requisite documents for enabling the income-tax authorities to determine the nature and amount of income of the recipient of the above remittance as well as documents required for determining my liability under the Income-tax Act as a person responsible for deduction of tax at source.

Place:

Signature:

Date:

Designation:

* Delete whichever is not applicable.

¹. Mandatory if tax is deducted

². Write 1 if company, write 2 if firm, write 3 if individual and write 4 if others.

³. If the remittance is chargeable to tax, non-furnishing of PAN shall attract the provisions of section 206AA

⁴. If available

⁵. If available

Part B

(To be filled up if the remittance is covered by the Specified List given in *Explanation* to rule 37BB and not chargeable to tax under the provision of Income-tax Act 1961.)

| | | | |
|------------|---|--------------------------------|--------------------------|
| REMITTER | Name of the remitter | | |
| | PAN of the remitter | | |
| | TAN of the remitter (if available) | | |
| | Complete address, email and phone number of the remitter | | |
| | Status of remitter ¹ | | <input type="checkbox"/> |
| REMITTEE | Name of recipient of remittance | | |
| | PAN of the recipient of remittance, if available | | |
| | Complete address, email ² and phone number ³ of the recipient of remittance | | |
| | Country to which remittance is made | | |
| | Country of which the recipient of remittance is resident, if available | | |
| REMITTANCE | Name of the bank | Name of the branch of the bank | |
| | BSR code of the bank branch (7 digit) | | |
| | Proposed date of remittance | (DD/MM/YYYY) | |
| | Nature of remittance | | |
| | Please furnish the relevant code of the specified List mentioned below rule 37BB, under which the remittance is covered | | |

2. I certify that I have reason to believe that the remittance as above is not chargeable under the provision of Income-tax Act 1961 and is not liable for deduction of tax at source and therefore, does not require a certificate from an Accountant in form 15CB.

VERIFICATION

I/We*, _____ (full name in block letters), son/daughter of _____ in the capacity of _____ (designation) solemnly declare that the information given above is true to the best of my/our* knowledge and belief and no relevant information has been concealed. In a case where it is found that the tax actually deductible on the amount of remittance has not been deducted or after deduction has not been paid or not paid in full, I/We* undertake to pay the amount of tax not deducted or not paid, as the case may be, along with interest due. I/We* shall also be subject to the provisions of penalty for the said default as per the provisions of the Income-tax Act, 1961. I/We* further undertake to submit the requisite documents for enabling the income-tax authorities to determine the nature and amount of income of the recipient of the above remittance as well as documents required for determining my/our* liability under the Income-tax Act as a person responsible for deduction of tax at source.

Place:
Date:

Signature:
Designation:

* Delete whichever is not applicable.

¹ Write 1 if company, write 2 if firm, write 3 if individual and write 4 if others.

² If available.

³ If available.

Part C

(To be filled up if the remittance is chargeable to tax under the provision of Income-tax Act, 1961 or the remittance is not covered by the Specified List given in *Explanation* to rule 37BB.)

| Section A | | GENERAL INFORMATION | | | | | |
|------------|--|--|---|---|---|--------------------------|-------|
| REMITTER | Name of the remitter | | | | | | |
| | PAN of remitter | | | Area Code | AO Type | Range Code | AO No |
| | Principal Place of Business | | | TAN of remitter ¹ | | | |
| | Complete address, email and phone number of the remitter | | | | | | |
| | Status ² | <input type="checkbox"/> | In case of company - If domestic, write '1' and if other than domestic, write '2' | | | <input type="checkbox"/> | |
| REMITTEE | Name of recipient of remittance | | | PAN of recipient of remittance ³ | | | |
| | Status ⁴ | | | | | <input type="checkbox"/> | |
| | Address | | | Country to which remittance is made: | | | |
| | Principal place of business | | Email address | | (ISD code)-Phone Number () | | |
| ACCOUNTANT | (a) | Name of the Accountant ⁵ signing the certificate | | | | | |
| | (b) | Name of the proprietorship/firm of the accountant | | | | | |
| | (c) | Address | | | | | |
| | (d) | Registration no. of the accountant | | | | | |
| | (e) | Date of certificate (DD/MM/YYYY) | | | Certificate No. ⁶ | | |
| A.O. ORDER | (a) | Whether any order/ certificate u/s 195(2)/ 195(3)/ 197 of Income-tax Act has been obtained from the Assessing Officer. | | | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | (b) | Section under which order/certificate has been obtained | | | | | |
| | (c) | Name and designation of the Assessing Officer who issued the order/certificate | | | | | |
| | (d) | Date of order/certificate | | | | | |
| | (e) | Order/ certificate number | | | | | |

| Section B | | PARTICULARS OF REMITTANCE AND TDS (as per certificate of the accountant) | | | |
|------------|---|---|---|--|---------------|
| REMITTANCE | 1. | Country to which remittance is made | Country: | | Currency: |
| | 2. | Amount payable | In foreign currency: | | In Indian Rs. |
| | 3. | Name of the Bank | Branch of the Bank | | |
| | 4. | BSR Code of the bank branch (7 digit) | | | |
| | 5. | Proposed date of remittance | (DD/MM/YYYY) | | |
| | 6. | Nature of remittance as per agreement/document | | | |
| | 7. | In case the remittance is net of taxes, whether tax payable has been grossed up? | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| I.T. ACT | 8. | Taxability under the provisions of the Income-tax Act (without considering DTAA) | | | |
| | | (i) is remittance chargeable to tax in India | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (ii) if not reasons thereof | | | |
| | | (iii) if yes, (a) the relevant section of the Act under which the remittance is covered | | | |
| | | (b) the amount of income chargeable to tax | | | |
| DTAA | 9. | If income is chargeable to tax in India and any relief is claimed under DTAA- | | | |
| | | (i) whether tax residency certificate is obtained from the recipient of remittance | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (ii) please specify relevant DTAA | | | |
| | | (ii) please specify relevant article of DTAA | <div style="border: 1px solid black; padding: 2px;">Nature of payment as per DTAA</div> | | |
| | | (iii) taxable income as per DTAA | In Indian Rs. | | |
| | | (iv) tax liability as per DTAA | In Indian Rs. | | |
| | | A. If the remittance is for royalties, fee for technical services, interest dividend, etc, (not connected with permanent establishment) please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (a) Article of DTAA | | | |
| | | (b) Rate of TDS required to be deducted in terms of such article of the applicable DTAA | As per DTAA (%) | | |
| | | B. In case the remittance is on account of business income, please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (a) Whether such income is liable to tax in India | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (b) If so, the basis of arriving at the rate of deduction of tax. | | | |
| | | (c) If not, please furnish brief reasons thereof specifying relevant article of DTAA | | | |
| | | C. In case the remittance is on account of capital gains, please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | (a) amount of long term capital gains | | | |
| | | (b) amount of short-term capital gains | | | |
| | | (c) basis of arriving at taxable income | | | |
| | D. In case of other remittance not covered by sub-items A, B and C | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| | (a) Please specify nature of remittance | | | | |
| | (b) Whether taxable in India as per DTAA | | | | |
| | (c) If yes, rate of TDS required to be deducted in terms of such article of the applicable DTAA | | | | |
| | (d) if not, please furnish brief reasons thereof specifying relevant article of DTAA | | | | |
| TDS | 10. | Amount of tax deducted at source | In foreign currency | | |
| | | | In Indian Rs. | | |
| | 11. | Rate of TDS | As per Income-tax Act (%) or As per DTAA (%) | | |
| | 12. | Actual amount of remittance after TDS | In foreign currency | | |
| | 13. | Date of deduction of tax at source, if any | (DD/M/YYYY) | | |

VERIFICATION

1. I/We*, _____ (full name in block letters), son/daughter of _____ in the capacity of _____ (designation) solemnly declare that the information given above is true to the best of my/our* knowledge and belief and no relevant information has been concealed.

2. I/We* certify that a certificate has been obtained from an accountant, particulars of which are given in this Form, certifying the amount, nature and correctness of deduction of tax at source./I/We* certify that certificate/order under section 195(2)/195(3)/197 of the income-tax Act, 1961, particulars of which are given in this Form*.

3. In case where it is found that the tax actually deductible on the amount of remittance has not been deducted or after deduction has not been paid or not paid in full, I/We* undertake to pay the amount of tax not deducted or not paid, as the case may be along with interest due. I/We* shall also be subject to the provisions of penalty for the said default as per the provisions of the Income-tax Act, 1961.

4. I/We* further undertake to submit the requisite documents for enabling the Income-tax Authorities to determine the nature and amount of income of the recipient of the above remittance as well as documents required for determining my/our liability under the Income-tax Act, 1961 as a person responsible for deduction of tax at source.

5. I/We* further declare that I/we* am/are* furnishing this information in my/our* capacity as and I/we* am/are* also competent to sign the return of income as per provisions of section 140 of the Income-tax Act, 1961 and verify it.

Place:

Signature:

Date:

Designation:

* Delete whichever is not applicable.

| | |
|---------------------|--|
| For Office Use only | For Office Use Only Receipt No. Date Seal and Signature of receiving official |
|---------------------|--|

ⁱ In case TAN is applied for, please furnish acknowledgement number of the application.

ⁱⁱ Write 1 if company, Write 2 if firm, Write 3 if individual and Write 4 if others.

ⁱⁱⁱ In case of non-availability of PAN, provisions of section 206AA shall be applicable.

^{iv} Write 1 if company, Write 2 if firm, Write 3 if individual and Write 4 if others.

^v Accountant (other than an employee) shall have the same meaning as defined in the Explanation to Section 288 of Income-tax Act, 1961.

^{vi} Please fill the serial number as mentioned in the certificate of the accountant.

Form No. 15CB
(See rule 37BB)
Certificate of an accountant¹

I/We* have examined the agreement (wherever applicable) between Mr./Ms./M/s*
..... and Mr./Ms./M/s*
(Remitters) (Beneficiary)

requiring the above remittance as well as the relevant documents and books of account required for ascertaining the nature of remittance and for determining the rate of deduction of tax at source as per provisions of Charter-XVII-B.

We hereby certify the following:-

| | | | |
|---|--|--|---|
| A | Name and address of the beneficiary of the remittance | | |
| B | 1. | Country to which remittance is made | Country: _____ |
| | 2. | Amount payable | Currency: _____ |
| | 3. | Name of the Bank Branch of the Bank | In foreign currency: _____ |
| | 4. | BSR Code of the bank branch (7 digit) | In Indian Rs. _____ |
| | 5. | Proposed date of remittance | Branch of the bank _____ |
| | 6. | Nature of remittance as per agreement/document | (DD/MM/YYYY) _____ |
| | 7. | In case the remittance is net of taxes, whether tax payable has been grossed up? | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. | Taxability under the provisions of the Income-tax Act (without considering DTAA) | | |
| | (i) is remittance chargeable to tax in India | | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (ii) if not reasons thereof | | |
| | (iii) if yes, | | |
| | (a) the relevant section of the Act under which the remittance is covered | | |
| | (b) the amount of income chargeable to tax | | |
| (c) the tax liability | | | |
| (d) basis of determining taxable income and tax liability | | | |

| | | |
|---|---|---|
| 9. | If income is chargeable to tax in India and any relief is claimed under DTAA- (i) whether tax residency certificate is obtained from the recipient of remittance | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (ii) please specify relevant DTAA | |
| | (ii) please specify relevant article of DTAA | Nature of payment as per DTAA |
| | (iii) taxable income as per DTAA | In Indian Rs. |
| | (iv) tax liability as per DTAA | In Indian Rs. |
| | A. If the remittance is for royalties, fee for technical services, interest dividend, etc, (not connected with permanent establishment) please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (a) Article of DTAA | |
| | (b) Rate of TDS required to be deducted in terms of such article of the applicable DTAA | As per DTAA (%) |
| | B. In case the remittance is on account of business income, please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (a) Whether such income is liable to tax in India | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (b) If so, the basis of arriving at the rate of deduction of tax. | |
| | (c) If not, please furnish brief reasons thereof specifying relevant article of DTAA | |
| | C. In case the remittance is on account of capital gains, please indicate:- | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (a) amount of long term capital gains | |
| | (b) amount of short-term capital gains | |
| | (c) basis of arriving at taxable income | |
| | D. In case of other remittance not covered by sub-items A, B and C | (Tick) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (a) Please specify nature of remittance | |
| | (b) Whether taxable in India as per DTAA | |
| (c) If yes, rate of TDS required to be deducted in terms of such article of the applicable DTAA | | |
| (d) if not, please furnish brief reasons thereof specifying relevant article of DTAA | | |
| 10. | Amount of TDS | In foreign currency In Indian Rs. |
| 11. | Rate of TDS | As per Income-tax Act (%) or As per DTAA (%) |
| 12. | Actual amount of remittance after TDS | In foreign currency |
| 13. | Date of deduction of tax at source, if any | (DD/M/YYYY) |

Certificate No.²

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

Signature :
Name :

Name of the proprietorship/firm:

Address:

Registration No.:

¹. To be signed and verified by an accountant (other than an employee) as defined in the Explanation below sub-section (2) of section 288 of the Income-tax Act, 1961.

². Certificate number is an internal number to be given by the Account.

*Delete whichever is not applicable.".

Sd/-
(J. Saravanan)
Under Secretary to the Government of India.

F.No.149/119/2012-SO(TPL)
Issued by:
Ministry of Finance
(Department of Revenue)
(Central Board of Direct Taxes)
New Delhi

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 the Income-tax (11th Amendment) Rules, 2013, vide notification number S.O.2331(E), dated the 1st August, 2013.

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