

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART II
SECTION 3 SUB-SECTION (ii) DATED 2.11.1993

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

New Delhi, the 2nd. Nov. , 1993

NOTIFICATION
INCOME-TAX

S.O. - In exercise of the powers conferred by 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 (*Nineteen* Amendment) Rules, 1993.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Income-tax Rules, 1962, -
 - A. after chapter IX-A, the following Chapter shall be inserted, namely:-

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CHAPTER IX-B
ADVANCE RULINGS

Form of application for obtaining
an advance ruling

44E.(1) An application for obtaining an advance ruling under sub-section(1) of section 245 Q shall be made in quadruplicate in Form No.34C and shall be verified in the manner indicated therein.

(2) The application referred to in sub-rule(1), the verification appended thereto, the annexures to the said application and the statements and documents accompanying it, shall be signed, -

- (a) in the case of an individual,-
 - (i) by the individual himself;
 - (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

....2/-

B. In Appendix II, after Form No.34B, the following Form shall be inserted, namely:-

Form No.34C

(See rule 44E)

Form of application for obtaining an advance ruling
under section 245 Q(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 19.....

1. Full name ^{and} address of the applicant:
2. Telephone and Fax No:
3. Country of which he is resident:
4. Status:
5. Basis of claim for being a non-resident:
6. The Commissioner having jurisdiction over the applicant:
(only in the case of existing assesseees)
7. Permanent Account Number:
(only in the case of existing assesseees)
8. Question(s) relating to the transaction on which the advance ruling is required:
9. Statement of the relevant facts having a bearing on the aforesaid question(s):
10. Statement containing the applicant's interpretation of law or facts as the case may be, in respect of the aforesaid question(s):
11. List of documents/statements attached:

....4/-

12. Particulars of account payee demand draft accompanying the application:
13. Name and address of authorised representative in India, if any:

.....

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 (designation) competent to make this 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.....19

.....
Signed
(Applicant)

Place.....

Notes:

1. The application must be filled in Hindi or English in quadruplicate.
2. The number and year of receipt of the application will be filled in the office of the Authority for Advance Rulings.

....5/-

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 must be accompanied by an account payee demand draft of two thousand five hundred 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.12.
5. In reply to item No.3, 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.4, the applicant must state whether he/it is an individual, Hindu undivided family, ^{firm,} association of persons or company.
7. For item No.5, the reply must 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 150 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, and to 182 days in a case when a citizen of India 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.8, the question(s) should be based on actual or proposed transactions. Hypothetical questions will not be entertained.

9. In respect of item No.9, in Annexure-I, the applicant must 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 alongwith the application must be included in the statement of facts and not merely incorporated by reference.
10. For item No.10, 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.
11. The application, the verification appended thereto, the annexures to the application and the statements and documents accompanying the annexures, must 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

Signed
(Applicant)

Place.....

Date.....

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

Signed
(Applicant)

Place.....

Date.....


(SUNIL CHOPRA)
DIRECTOR (TPL)

F.No.142/32/93-TPL

No. 3394

भारत के राजपत्र, आधारा, भाग 2, खंड 3, उपखंड (ii)
तारीख 2 नवम्बर 1993 में प्रकाशनाधी

भारत सरकार
वित्त मंत्रालय
राजस्व विभाग
केन्द्रीय प्रत्यक्षा कर बोर्ड

नई दिल्ली, तारीख 2 नवम्बर 1993

अ धि सू च ना
आय-कर

का.आ. केन्द्रीय प्रत्यक्षा कर बोर्ड, आय-कर
अधिनियम, 1961 (1961 का 43) का धारा 295 द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए, आय-कर अधिनियम, 1962 का और
संशोधन करने के लिए निम्नलिखित नियम बनाता है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम आय-कर (संशोधन)

(2) नियम, 1993 है।
भारत के राजपत्र में प्रकाशन की तारीख को प्रवृत्त हो जाये।

(2) आय-कर अधिनियम, 1962 में, -

क. अनुसूची 9 के पश्चात् निम्नलिखित अध्याय

अंतःस्थापित किया जा सकेगा, अर्थात् :-

अनुसूची 9

अग्रिम विनिर्णय

अग्रिम विनिर्णय अग्रिम प्राप्त करने के लिए आवेदन

का प्रारूप

44. ड० (1) धारा 245 थ की उपधारा (1) के अन्तर्गत अग्रिम विनिर्णय
अग्रिम प्राप्त करने के लिए आवेदन, प्रारूप सं० 34ग में चार
प्रतियों में किया जा सकेगा और उसका सत्यापन उसमें उल्लिखित
रीति से किया जा सकेगा।

(2) उपधारा (1) में निर्दिष्ट आवेदन, उससे सम्बन्धित सत्यापन,
उक्त आवेदन के उपरान्त और उससे सम्बन्धित कथन और दस्तावेज

करने के लिए विधिमाम्य मुत्तारनामा हो, जिसे आवेदन के ^{साथ} सिलग्न किया जाएगा;

(घ) फर्म की दशा में, उसके प्रबंध भागीदार द्वारा, या जहाँ, किसी अनिहार्य कारण से, ऐसा प्रबंध भागीदार आवेदन पर हस्ताक्षर करने और उसका सत्यापन करने में समर्थ न हो, या जहाँ उस रूप में कोई प्रबंध भागीदार न हो, वहाँ उसके ^{विरुद्ध} ~~सर्व~~ भागीदार द्वारा, जो अवयस्क न हो;

(ङ) व्यक्तियों के संगम की दशा में, संगम के किसी सदस्य या उसके प्रधान अधिकारी द्वारा; और

(च) किसी अन्य व्यक्ति की दशा में, उस व्यक्ति द्वारा या उसकी ओर से कार्य करने के लिए सक्षम किसी व्यक्ति द्वारा।

प्राधिकरण द्वारा सुनाए गए अग्रिम विनिर्णयों की प्रतियों का प्रमाणन

44च.

प्राधिकरण द्वारा सुनाए गए अग्रिम विनिर्णय की आवेदक की ओर उसके मामले पर अधिकारिता ^{रखने} वाले आयुक्त को भेजी जाने वाली प्रति, अग्रिम विनिर्णयों के लिए, यथास्थिति, आयुक्त या उपायुक्त, प्राधिकरण द्वारा उसकी शुद्ध प्रति के रूप में प्रमाणित की जाएगी।

ख.

परिशिष्ट II में, प्ररूप सं० 34 के पश्चात् निम्नलिखित प्ररूप अंतःस्थापित किया जाएगा, अर्थात् :-

प्ररूप सं० 34 ग

(नियम 44 ङ० देखिए)

आय-कर अधिनियम, 1961 की धारा 245 थ(1) के अधीन

अग्रिम विनिर्णय अग्रिप्राप्त करने के लिए आवेदन का प्ररूप

(कृपया इस प्ररूप को ^{भरने} ~~किसी~~ से पहले टिप्पणीर की सावधानीपूर्वक पढ़िए)

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13. 1948-49, 1949-50, 1950-51, 1951-52, 1952-53, 1953-54, 1954-55, 1955-56, 1956-57, 1957-58, 1958-59, 1959-60, 1960-61, 1961-62, 1962-63, 1963-64, 1964-65, 1965-66, 1966-67, 1967-68, 1968-69, 1969-70, 1970-71, 1971-72, 1972-73, 1973-74, 1974-75, 1975-76, 1976-77, 1977-78, 1978-79, 1979-80, 1980-81, 1981-82, 1982-83, 1983-84, 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26, 2026-27, 2027-28, 2028-29, 2029-30, 2030-31, 2031-32, 2032-33, 2033-34, 2034-35, 2035-36, 2036-37, 2037-38, 2038-39, 2039-40, 2040-41, 2041-42, 2042-43, 2043-44, 2044-45, 2045-46, 2046-47, 2047-48, 2048-49, 2049-50, 2050-51, 2051-52, 2052-53, 2053-54, 2054-55, 2055-56, 2056-57, 2057-58, 2058-59, 2059-60, 2060-61, 2061-62, 2062-63, 2063-64, 2064-65, 2065-66, 2066-67, 2067-68, 2068-69, 2069-70, 2070-71, 2071-72, 2072-73, 2073-74, 2074-75, 2075-76, 2076-77, 2077-78, 2078-79, 2079-80, 2080-81, 2081-82, 2082-83, 2083-84, 2084-85, 2085-86, 2086-87, 2087-88, 2088-89, 2089-90, 2090-91, 2091-92, 2092-93, 2093-94, 2094-95, 2095-96, 2096-97, 2097-98, 2098-99, 2099-00, 2100-01, 2101-02, 2102-03, 2103-04, 2104-05, 2105-06, 2106-07, 2107-08, 2108-09, 2109-10, 2110-11, 2111-12, 2112-13, 2113-14, 2114-15, 2115-16, 2116-17, 2117-18, 2118-19, 2119-20, 2120-21, 2121-22, 2122-23, 2123-24, 2124-25, 2125-26, 2126-27, 2127-28, 2128-29, 2129-30, 2130-31, 2131-32, 2132-33, 2133-34, 2134-35, 2135-36, 2136-37, 2137-38, 2138-39, 2139-40, 2140-41, 2141-42, 2142-43, 2143-44, 2144-45, 2145-46, 2146-47, 2147-48, 2148-49, 2149-50, 2150-51, 2151-52, 2152-53, 2153-54, 2154-55, 2155-56, 2156-57, 2157-58, 2158-59, 2159-60, 2160-61, 2161-62, 2162-63, 2163-64, 2164-65, 2165-66, 2166-67, 2167-68, 2168-69, 2169-70, 2170-71, 2171-72, 2172-73, 2173-74, 2174-75, 2175-76, 2176-77, 2177-78, 2178-79, 2179-80, 2180-81, 2181-82, 2182-83, 2183-84, 2184-85, 2185-86, 2186-87, 2187-88, 2188-89, 2189-90, 2190-91, 2191-92, 2192-93, 2193-94, 2194-95, 2195-96, 2196-97, 2197-98, 2198-99, 2199-00, 2200-01, 2201-02, 2202-03, 2203-04, 2204-05, 2205-06, 2206-07, 2207-08, 2208-09, 2209-10, 2210-11, 2211-12, 2212-13, 2213-14, 2214-15, 2215-16, 2216-17, 2217-18, 2218-19, 2219-20, 2220-21, 2221-22, 2222-23, 2223-24, 2224-25, 2225-26, 2226-27, 2227-28, 2228-29, 2229-30, 2230-31, 2231-32, 2232-33, 2233-34, 2234-35, 2235-36, 2236-37, 2237-38, 2238-39, 2239-40, 2240-41, 2241-42, 2242-43, 2243-44, 2244-45, 2245-46, 2246-47, 2247-48, 2248-49, 2249-50, 2250-51, 2251-52, 2252-53, 2253-54, 2254-55, 2255-56, 2256-57, 2257-58, 2258-59, 2259-60, 2260-61, 2261-62, 2262-63, 2263-64, 2264-65, 2265-66, 2266-67, 2267-68, 2268-69, 2269-70, 2270-71, 2271-72, 2272-73, 2273-74, 2274-75, 2275-76, 2276-77, 2277-78, 2278-79, 2279-80, 2280-81, 2281-82, 2282-83, 2283-84, 2284-85, 2285-86, 2286-87, 2287-88, 2288-89, 2289-90, 2290-91, 2291-92, 2292-93, 2293-94, 2294-95, 2295-96, 2296-97, 2297-98, 2298-99, 2299-00, 2300-01, 2301-02, 2302-03, 2303-04, 2304-05, 2305-06, 2306-07, 2307-08, 2308-09, 2309-10, 2310-11, 2311-12, 2312-13, 2313-14, 2314-15, 2315-16, 2316-17, 2317-18, 2318-19, 2319-20, 2320-21, 2321-22, 2322-23, 2323-24, 2324-25, 2325-26, 2326-27, 2327-28, 2328-29, 2329-30, 2330-31, 2331-32, 2332-33, 2333-34, 2334-35, 2335-36, 2336-37, 2337-38, 2338-39, 2339-40, 2340-41, 2341-42, 2342-43, 2343-44, 2344-45, 2345-46, 2346-47, 2347-48, 2348-49, 2349-50, 2350-51, 2351-52, 2352-53, 2353-54, 2354-55, 2355-56, 2356-57, 2357-58, 2358-59, 2359-60, 2360-61, 2361-62, 2362-63, 2363-64, 2364-65, 2365-66, 2366-67, 2367-68, 2368-69, 2369-70, 2370-71, 2371-72, 2372-73, 2373-74, 2374-75, 2375-76, 2376-77, 2377-78, 2378-79, 2379-80, 2380-81, 2381-82, 2382-83, 2383-84, 2384-85, 2385-86, 2386-87, 2387-88, 2388-89, 2389-90, 2390-91, 2391-92, 2392-93, 2393-94, 2394-95, 2395-96, 2396-97, 2397-98, 2398-99, 2399-00, 2400-01, 2401-02, 2402

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12. आपका पता क्या है?

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10. የገንዘብ ምንጭ (Source of funds) ለገንዘብ ምንጭ

6. The 14th March 1968. The 14th March 1968.

: ১৫৬ পৃষ্ঠা

DISJUNCTIVE HYPOTHESIS IN REL. 'A LIBRO DE' 8

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9. ፳፻፲፱ ዓ.ም. ለ፳፻፲፱ ዓ.ም. ለ፳፻፲፱ ዓ.ም. ለ፳፻፲፱ ዓ.ም. ለ፳፻፲፱ ዓ.ም.

5. ଆବଶ୍ୟକୀୟ ସ୍ଥାନରେ ନିମ୍ନଲିଖିତ ସ୍ଥାନରେ ପୂରଣ କର :

4. गुणवत्ता :

: ३। १। १। २। ३। ४। ५। ६। ७। ८। ९। १०।

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OF THE 61

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(525.1E.)

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1. The first step is to identify the problem. . . .

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॥ श्रीगणेशाय नमः ॥

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१. संस्कृत २. हिन्दी ३. उर्दू ४. पंजाबी ५. मराठी ६. गुजराती ७. तमिल ८. बंगाली ९. सिंधी १०. फारसी ११. अरबी १२. फारसी १३. अरबी १४. फारसी १५. अरबी १६. फारसी १७. अरबी १८. फारसी १९. अरबी २०. फारसी

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