

**MINISTRY OF FINANCE**

**Department of Revenue**

**(CENTRAL BOARD OF DIRECT TAXES)**

**Notification No. 36/2017**

**New Delhi, the 2<sup>nd</sup> May, 2017**

**INCOME-TAX**

**Income-tax (9th Amendment) Rules, 2017**

**S.O. 1381(E).**- In exercise of the powers conferred by section 295 read with section 115BA 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 (9th Amendment) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2.** In the Income-tax Rules, 1962 (hereafter referred to as the principal rules), after rule 21AC, the following rule shall be inserted, namely:-

**“21AD. Exercise of option under sub-section (4) of section 115BA.** (1) The option to be exercised in accordance with the provisions of sub-section (4) of section 115BA by a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2017, shall be in Form No. 10-IB.

(2) The option in Form No. 10-IB referred to in sub-rule (1) shall be furnished electronically either under digital signature or electronic verification code.

(3) The Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, shall-

(i) specify the procedure for filing of Form referred to in sub-rule (2);

(ii) specify the data structure, standards and manner of generation of electronic verification code, referred to in sub-rule(2), for purpose of verification of the person furnishing the form referred to in the said sub- rule; and

(iii) be responsible for formulating and implementing appropriate security, archival and retrieval policies in relation to Form so furnished.”;

**3.** In the principal rules, after Form No. 10-IA, the following Form shall be inserted, namely:-

**“FORM No. 10-IB**

[See sub-rule (1) of rule 21AD]

**Application for exercise of option under sub-section (4) of section 115BA of the Income - tax Act, 1961**

To,

The Assessing Officer,

.....

Sir/Madam,

I, ....., on behalf of [name and registered address of the company exercising the option under sub-section (4) of section 115BA] ..... having Permanent Account Number (PAN)..... do hereby exercise the option referred to in sub-section (4) of section 115BA of the Income-tax Act, 1961 (the Act) for previous year 20...- ..... and subsequent years.

2. The details of the company is given below

- (i) Name of the Company exercising the option under: sub-section (4) of section 115BA
- (ii) Whether it is a Domestic company or not :
- (iii) PAN :
- (iv) Registered Address :
- (v) Date of Incorporation :
- (vi) Nature of business or activities of the Company :

3. I understand that the above option once exercised for any previous year, cannot be subsequently withdrawn for the same or any other previous year.

4. I do hereby further affirm that the conditions stipulated in section 115BA of the Act are and shall be satisfied by the aforesaid company.

Place:

Date:

Yours faithfully,

Signature of Principal Officer.....

Name.....

Designation.....

Address.....

**Note 1:**

1. This option form should be signed by the principal officer.”

**[F. No. 370142/7/2017-TPL]**

**NIRAJ KUMAR, Under Secy. (Tax Policy and Legislation)**

**Note 2:** The principal rules were published in the Gazette of India Extraordinary, Part III, section 3, sub-section (i), vide notification number S.O. 969(E), dated the, 26th March, 1962 and were last amended vide notification number G.S.R. 399(E) dated the 21st April, 2017.