

**INCOME-TAX (TWELFTH AMENDMENT) RULES, 2013 - SUBSTITUTION OF RULE 37BB
AND FORM NOS. 15CA AND 15CB**

NOTIFICATION NO. 58/2013 [F.NO.149/119/2012-SO(TPL)]/SO 2363(E), DATED 5-8-2013

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:—

"37BB. *Furnishing of information by the person responsible for making payment to a non-resident, not being a company, or to a foreign company*—(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

<i>Sl.No.</i>	<i>Purpose code as per RBI</i>	<i>Nature of payment</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
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
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:-

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

Form No. 15CB

(See rule 37BB)

Certificate of an accountant ¹

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 Income-tax Act, 1961.