

[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**

New Delhi, the 5<sup>th</sup> day of August, 2013

**INCOME-TAX**

**S.O. 2364 (E).**- In exercise of the powers conferred by sub-section (2) of section 115U 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 ( 13<sup>th</sup> Amendment) Rules, 2013.  
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962,-

(a) for rule 12C, the following rule shall be substituted, namely:-

**“Statement under sub-section (2) of section 115U.**

**12C.** (1) The statement of income paid or credited shall be furnished by the 30<sup>th</sup> November of the Financial year following the previous year during which such income is paid or credited, to the Chief Commissioner or Commissioner of Income-tax, within whose jurisdiction, the principal office of the Venture Capital Company or the venture Capital Fund, as the case may be, is situated.

(2) The statement of income paid or credited which is to be furnished under sub-section (2) of section 115U by the Venture Capital Company or the Venture Capital Fund, as the case may be, shall be in Form No. 64, duly verified by an accountant in the manner indicated therein and shall be furnished electronically under digital signature.

(3) The Director General of Income-tax (Systems) shall specify the procedure for filing of Form No. 64 and shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to the statements so furnished.”;

(b) in Appendix-II, for Form No. 64, the following Form shall be substituted, namely:-

**“FORM NO. 64**  
[See rule 12C]

**Statement of income paid or credited by Venture Capital Company  
or Venture Capital Fund to be furnished under section 115U of the Income-tax Act, 1961**

1. Name of the Venture Capital Company/ Venture Capital Fund \*
2. Address of the registered office
3. Permanent Account Number
4. Previous year ending
5. Name and address of the Directors of the Venture Capital Company/trustees of the Venture Capital Fund\*
  
6. Date of registration of the Venture Capital Company or Venture Capital Fund with SEBI
  - (i) under the Securities and Exchange Board of India (Venture Capital Funds) Regulations, 1996
  - (ii) under the Securities and Exchange Board of India (Alternate Investment Funds) Regulations, 2012
  
7. In a case where Venture Capital Company or Venture Capital Fund is registered under SEBI (Alternate Investment Fund) Regulations, 2012,
  - A. Whether the Venture Capital Company or Venture Capital Fund has invested not less than two-third of its investible funds in unlisted equity shares or equity linked instruments of venture capital undertaking Yes/No
  
  - B. Whether the Venture Capital Company or the Venture Capital Fund has made any investment in any venture capital undertaking in which, -
    - (i) its director or a substantial shareholder (being a beneficial owner of equity shares exceeding ten per cent. of its equity share capital); or
    - (ii) its trustee or settler, as the case may be –  
  
holds, either individually or collectively, equity shares in excess of fifteen per cent. of the paid-up equity share capital of such venture capital undertaking Yes/No
  
  - C. Whether the shares or units of the Venture Capital Company or the Venture Capital Fund, as the case may be, are listed on any recognised stock exchange at any time during the previous year Yes/No
  
8. Total income under all heads from the investments in Venture Capital Undertakings (9+11+13+15)
  
9. Total income from the investments in Venture Capital Undertakings under the head 'Long-term Capital Gains'
  
10. Proportion of (9 to 8)

**11. Total income from the investments in Venture Capital Undertakings under the head 'Short-term Capital Gains'**

**12. Proportion of (11 to 8)**

**13. Total dividend income from the investments in Venture Capital Undertakings**

**14. Proportion of (13 to 8)**

**15. Other income (such as interest etc.) from the investments in Venture Capital Undertakings**

**16. Proportion of (15 to 8)**

**17. Details of persons, referred to in sub-section (1) of section 115U by whom the income is received or in whose name it has been credited, in the following format :—**

S. No.	Name(s)	Address(es)	PAN	Total amount paid/ credited	Amount paid/ credited under 'Long Term Capital Gains'	Amount paid/ credited under 'Short Term Capital Gains'	Amount paid/ credited as 'dividend'	Other Income such as interest etc. paid/ credited
					[Column 5 × Sl. No.10]	[Column 5 × Sl. No.12]	[Column 5× Sl. No.14]	[Column 5 × Sl. No.16]
1	2	3	4	5	6	7	8	9

*Enclose a copy of the certificate of registration under the Securities and Exchange Board of India Act, 1992.*

*Enclose a copy of the Venture Capital Fund deed in case of Venture Capital Fund registered under the provisions of the Registration Act, 1908.*

*Enclose audited accounts including balance sheet, annual report, if any, with certified copies of income and appropriation towards distribution of income or credit of income [including amount deemed to have been credited in accordance with provisions of section 115 U(5)].*

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 furnishing such statement in my capacity as \_\_\_\_\_ (designation) and that I am competent to furnish this statement and verify it.

Verified today the \_\_\_\_\_ day of \_\_\_\_\_.

Place \_\_\_\_\_ Signature \_\_\_\_\_

#### **Verification**

I/We \_\_\_\_\_ have examined the books of account and other documents showing the particulars of income earned and the income distributed / credited [ including amount deemed to have been credited in accordance with provisions of section 115 U(5) ] to the investors by the \_\_\_\_\_ (name of the Venture Capital Company or the Venture Capital Fund) for the previous year ending \_\_\_\_\_.

2. I/We declare that the above particulars are true and correct to the best of my/our knowledge and belief.

\_\_\_\_\_ Place \_\_\_\_\_ (Signature with name of the Accountant)

Date \_\_\_\_\_

#### **Notes:**

1. "Accountant" means the accountant as defined in the *Explanation* to sub-section (2) of section 288 of the Income-tax Act, 1961.
2. \* Strike out whichever is not applicable."

[Notification No. 59/2013/ F.No.142/17/2013-TPL]

**(Amit Katoch)**  
**Under Secretary 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 number S.O.969 (E), dated the 26<sup>th</sup> March, 1962 and were last amended by the Income-tax ( 11<sup>th</sup> Amendment) Rules , 2013 vide notification S.O. 2331 (E) dated 01-08-2013.