

जी=स्थावर संपत्ति से भिन्न संपत्ति के अंतरण से दर्शित कीमत के परिणामस्वरूप वह कीमत जिस पर गैर-धनीय प्रतिफल प्राप्त किया गया है या उद्भूत हुआ है, जिसको नियम 11पक के उपनियम (1) में निर्दिष्ट नहीं किया गया है जो किसी रजिस्ट्रीकृत मूल्यांकक द्वारा उस संपत्ति के संबंध में अभिप्राप्त मूल्यांकन रिपोर्ट के आधार पर खुले बाजार में उसका विक्रय करने से प्राप्त होती;

एच=स्थावर संपत्ति द्वारा प्रतिनिधित्व किए गए अंतरण के परिणामस्वरूप गैर-धनीय प्राप्त प्रतिफल या उद्भूत की दशा में स्थावर संपत्ति के संबंध में स्टांप शुल्क के संदाय के प्रयोजन के लिए किसी सरकारी प्राधिकारी द्वारा अंगीकृत या निर्धारित या निर्धारणीय मूल्य।

(4) उपनियम (2) और उपनियम (3) के अधीन पूंजी आस्तियों के बाजार मूल्य का अवधारण स्टांप शुल्क विक्रय की तारीख को किया जाएगा और इस प्रयोजन के लिए नियम 11पक में निर्दिष्ट मूल्यांकन तारीख से मंदी विक्रय की तारीख भी अभिप्रेत।

स्पष्टीकरण- इस नियम के प्रयोजनों के लिए “रजिस्ट्रीकृत मूल्यांकक” और “प्रतिभूतियों” का क्रमशः वही अर्थ होगा जो उनका नियम 11प में है।”।

[अधिसूचना सं. 68/2021/एफ.सं.370142/16/2021-टीपीएल]

कमलेश चंद्र वाष्णेय, संयुक्त सचिव (कर नीति और विधान प्रभाग)

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में सं. का.आ. 969(अ) तारीख 26 मार्च, 1962 द्वारा प्रकाशित किए गए थे और उनका अंतिम संशोधन अधिसूचना सं. सा.का.नि 320(अ) तारीख 5 मई, 2021 द्वारा किया गया।

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

NOTIFICATION

New Delhi, the 24th May, 2021

G.S.R. 338 (E).— In exercise of the powers conferred by section 50B 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. Short title and commencement.—(1) These rules may be called the Income-tax (16th Amendment) Rules, 2021.

2. In the Income-tax Rules, 1962, after rule 11UAD, the following rule shall be inserted, namely:—

“11UAE. Computation of Fair Market Value of Capital Assets for the purposes of section 50B of the Income-tax Act.

(1) For the purpose of clause (ii) of sub-section (2) of section 50B, the fair market value of the capital assets shall be the FMV1 determined under sub-rule (2) or FMV2 determined under sub-rule (3), whichever is higher.

(2) The FMV1 shall be the fair market value of the capital assets transferred by way of slump sale determined in accordance with the formula—

$A+B+C+D - L$, where,

A= book value of all the assets (other than jewellery, artistic work, shares, securities and immovable property) as appearing in the books of accounts of the undertaking or the division transferred by way of slump sale as reduced by the following amount which relate to such undertaking or the division, —

(i) any amount of income-tax paid, if any, less the amount of income-tax refund claimed, if any; and

(ii) any amount shown as asset including the unamortised amount of deferred expenditure which does not represent the value of any asset;

B = the price which the jewellery and artistic work would fetch if sold in the open market on the basis of the valuation report obtained from a registered valuer;

C = fair market value of shares and securities as determined in the manner provided in sub-rule (1) of rule 11UA;

D = the value adopted or assessed or assessable by any authority of the Government for the purpose of payment of stamp duty in respect of the immovable property;

L = book value of liabilities as appearing in the books of accounts of the undertaking or the division transferred by way of slump sale, but not including the following amounts which relates to such undertaking or division, namely: —

(i) the paid-up capital in respect of equity shares;

(ii) the amount set apart for payment of dividends on preference shares and equity shares where such dividends have not been declared before the date of transfer at a general body meeting of the company;

(iii) reserves and surplus, by whatever name called, even if the resulting figure is negative, other than those set apart towards depreciation;

(iv) any amount representing provision for taxation, other than amount of income-tax paid, if any, less the amount of income-tax claimed as refund, if any, to the extent of the excess over the tax payable with reference to the book profits in accordance with the law applicable thereto;

(v) any amount representing provisions made for meeting liabilities, other than ascertained liabilities;

(vi) any amount representing contingent liabilities other than arrears of dividends payable in respect of cumulative preference shares.

(3) FMV₂ shall be the fair market value of the consideration received or accruing as a result of transfer by way of slump sale determined in accordance with the formula-

$E+F+G+H$, where,

E = value of the monetary consideration received or accruing as a result of the transfer;

F = fair market value of non-monetary consideration received or accruing as a result of the transfer represented by property referred to in sub-rule (1) of rule 11UA determined in the manner provided in sub-rule (1) of rule 11UA for the property covered in that sub-rule;

G = the price which the non-monetary consideration received or accruing as a result of the transfer represented by property, other than immovable property, which is not referred to in sub-rule (1) of rule 11UA would fetch if sold in the open market on the basis of the valuation report obtained from a registered valuer, in respect of property;

H = the value adopted or assessed or assessable by any authority of the Government for the purpose of payment of stamp duty in respect of the immovable property in case the non-monetary consideration received or accruing as a result of the transfer is represented by the immovable property.

(4) The fair market value of the capital assets under sub-rule (2) and sub-rule (3) shall be determined on the date of slump sale and for this purpose valuation date referred to in rule 11UA shall also mean the date of slump sale.

Explanation. -For the purposes of this rule, the expression "registered valuer" and "securities" shall have the same meanings as respectively assigned to them in rule 11U."

[Notification No.68/2021/F. No.370142/16 /2021-TPL]

KAMLESH CHANDRA VARSHNEY, Jt. Secy. (Tax Policy and Legislation)

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 26th March, 1962 and last amended *vide* notification number G.S.R. 320(E) dated 5th May, 2021.