

FORM NO. 49
[See rule 90, 91, 98 and 101]
Application for opting for Safe Harbour

| Part A: Particulars of the Person | | |
|--|--|---|
| 1. | Name: | <i>(refer Note 1)</i> |
| 2. | Address: | <i>(refer Note 2)</i> |
| 3. | Permanent Account Number (PAN): | |
| 4. | Nature of business or activities of the assessee: | |
| 5. | Status: | <i>(refer Note 3)</i> |
| 6. | E-mail Id: | |
| 7. | Contact Number: | Country Code Number |
| Part B: Other Information | | |
| I. Option for safe Harbour | | |
| 8. | Safe Harbour is opted for the following transactions <i>(select one or more)</i> : <i>(refer Note 4)</i> | 1. Eligible International Transaction (EIT) <ul style="list-style-type: none"> (i) Provision of information technology services; (ii) Others 2. Eligible Specified Domestic Transaction (ESDT) 3. Eligible Business (EB) |
| II. Tax Year(s) | | |
| 9. | Tax year(s) for which the option is to be exercised <i>(refer Note 5)</i> : | |
| | i. | In the case of EIT (other than provision of information technology services), ESDT or EB, provide the following details: |
| | a. | Tax Year: |
| | b. | Date of furnishing of return of income for the tax year: |
| | ii. | In the case of EIT being provision of information technology services, provide the following details <i>(refer Note 5)</i> : |
| | a. | Tax Years for which option is to be exercised: |
| III. Eligible International Transaction (EIT) | | |
| 10. | i. | Nature of EIT: Provision of information technology services |
| | ii. | Aggregate operating revenue of the EIT (total amount should not exceed two thousand crore rupees): |
| | a. | Operating revenue of provision of information technology enables services: |
| | b. | Operating revenue of provision of knowledge process outsourcing services: |
| | c. | Operating revenue of provision of contract research and development services wholly or partly relating to software development: |
| | d. | Operating revenue of provision of software development services: |

| | | | | | | | | | | | | | |
|-----|------|--|---|---|-------------------|--|--|---|-------------------------------|---|---|------------------|--|
| | iii. | Details of EIT: | | | | | | | | | | | |
| | | Sl. No. | Details of the Associated Enterprise (AE) with whom EIT has been entered into | | | | | | | Operating Profit (OP) margin in relation to Operating Expense | | | |
| | | | Name | Address | PAN, if available | Taxpayer Identification Number or its equivalent in the country/region of location | Country or region in which AE is located (refer Note 7) | | Operating Revenue (OR) | Operating Expense (OE) | OP margin (OP/OE) | | |
| | | A | B | C | D | E | F | G | H | I | | | |
| | | 1. | | | | | | | | | | | |
| | 2. | (Repeat, if required) | | | | | | | | | | | |
| 11. | i. | a. | Nature of EIT (refer Note 6): | | | | | | | | | | |
| | | b. | Details of EIT: | | | | | | | | | | |
| | | | Sl. No. | Details of the Associated Enterprise (AE) with whom EIT has been entered into | | | | | | | Operating Profit (OP) margin in relation to Operating Expense | | |
| | | | | Name | Address | PAN, if available | Taxpayer Identification Number or its equivalent in the country/region of location | Country or region in which AE is located (refer Note 7) | Operating Revenue (OR) | Operating Expense (OE) | OP margin (OP/OE) | | |
| | | | A | B | C | D | E | F | G | H | I | | |
| | | 1. | | | | | | | | | | | |
| | | 2. | (Repeat, if required) | | | | | | | | | | |
| | ii. | (Repeat, if required) | | | | | | | | | | | |
| 12. | i. | Nature of EIT: | | | | | | | | Advancing intra-group loans by the eligible assessee | | | |
| | ii. | If the loan is in foreign currency, whether the loan advanced to the Associated Enterprise (AE) including all loans to all AEs exceed INR two hundred and fifty crore rupees as on 31 st March of the tax year: | | | | | | | | Yes/No | | | |
| | iii. | Details of EIT: | | | | | | | | | | | |
| | | Sl. No. | Details of the AE with whom EIT has been entered into | | | | | | | The rate at which interest has been | Amount of loan | Currency of loan | |
| | | | Name | Addresses | PAN, if available | Taxpayer Identification | Country or region | Whether credit rating of | Where credit is not available | Credit Rating Rank | Credit Rating | | |

| | | | | | ation Number or its equival ent in the country/ region of location | in which AE is located (refer Note 7) | AE has been done (Yes/No) | and the loan is in Indian currency, whether the loan advanced to the AE including loans to all AEs exceed INR 100 crores as on 31 st March of the tax year (Yes/No) | | Agen cy | charged | | | |
|------------|------|---|---|-------------------|--|---|--|---|---|------------|---|-------------------------------|---|---|
| | | A | B | C | D | E | F | G | H | I | J | K | L | M |
| | | 1. | | | | | | | | | | | | |
| | | 2. | (Repeat, if required) | | | | | | | | | | | |
| 13. | i. | Nature of EIT: | | | | | | | | | Providing corporate guarantee(s) by the eligible assessee | | | |
| | ii. | Whether the amount guaranteed does exceed INR hundred crore rupees : | | | | | | | | | Yes/No | | | |
| | iii. | Details of EIT: | | | | | | | | | | | | |
| | | Sl. No. | Details of the Associated Enterprise (AE) with whom EIT has been entered into | | | | | | | | The rate at which the commission or fee has been charged in respect of the transaction declared | Amount of corporate guarantee | | |
| | | Name | Address | PAN, if available | Taxpayer Identification Number or its equivalent in the country/region of location | Country or region in which AE is located (refer Note 7) | Credit Rating Rank (refer Note 8) | Credit Rating Agency (refer Note 8) | | | | | | |
| | | A | B | C | D | E | F | G | H | I | J | | | |
| | | 1. | | | | | | | | | | | | |
| | | 2. | (Repeat, if required) | | | | | | | | | | | |
| 14. | i. | Nature of EIT: | | | | | | | | | Receipt of low value-adding intra- | | | |

| | | | | | | | | | | | | |
|---|------|---|--|-------------------|--|---|--|---|--|--------------------------------------|-------------------------------------|---|
| | | | | | | | | group services | | | | |
| | ii. | Whether the entire value of the international transaction including mark-up not exceeding 5% exceed ten crore rupees : | | | | | | Yes/No | | | | |
| | iii. | Certificate of the accountant as per rule 89(2) [Table: Sl. No. 8.C] | | | | | | Upload as Annexure | | | | |
| | iv. | Details of EIT: | | | | | | | | | | |
| | | Sl. No. | Details of the Associated Enterprise (AE) with whom EIT has been entered into | | | | Amount of EIT excluding mark-up | Mark -up | Amount of EIT including mark-up | Details of certificate of accountant | | |
| | | Name | Addresses | PAN, if available | Taxpayer Identification Number or its equivalent in the country/region of location | Country or region in which AE is located (refer Note 7) | | | | Date | Unique Identification Number (UDIN) | |
| | | A | B | C | D | E | F | G | H | I | J | K |
| | | 1. | | | | | | | | | | |
| | | 2. | (Repeat, if required) | | | | | | | | | |
| IV. Eligible Specified Domestic Transaction (ESDT) | | | | | | | | | | | | |
| 15. | i. | Nature of ESDT: | | | | | | Supply of electricity or transmission of electricity or wheeling of electricity | | | | |
| | ii. | Details of ESDT: | | | | | | | | | | |
| | | Sl. No. | Details of the Associated Enterprise (AE) with whom ESDT has been entered into | | | Details of relevant order of the Appropriate Commission determining the tariff or approving the methodology for determination of the tariff | | | Amount received or receivable / paid or payable in respect of the ESDT | | | |
| | | Name | Address | PAN | Date of order | Type of order | Validity of order | | | | | |
| | | A | B | C | D | E | F | G | H | | | |
| | | 1. | | | | | | | | | | |
| | | 2. | (Repeat, if required) | | | | | | | | | |
| 16. | i. | Nature of ESDT: | | | | | | Purchase of milk and milk products | | | | |
| | ii. | Details of ESDT: | | | | | | | | | | |
| | | The total amount of purchase for which safe harbour is opted | | | Whether the rate is — | | | | Whether the rate of milk or milk products are routinely declared by the co-operative society in a transparent | | | |
| | | | | | Fixed on the basis of quality – SNF content – of milk | Irrespective of milk procured (Yes/No) | Irrespective of percentage of shares held by | Irrespective of the voting power held by the | | | | |

| | | | | | | | | |
|----------------------------------|-----|-----------------------|---|---|--|--|--|--|
| | | | (Yes/No) | | the members (Yes/No) | members (Yes/No) | manner and are available in public domain (Yes/No) | |
| | | A | B | C | D | E | F | |
| V. Eligible Business (EB) | | | | | | | | |
| 17. | i. | a. | Nature of EB (refer Note 9): | | | | | |
| | | b. | Details of EB: | | | | | |
| | | | Gross receipts of the eligible business | Profit and gains of the EB chargeable to tax under the head "Profits and gains of business or profession" (shall be \geq 4% of the gross receipts of the EB in the case of selling of raw diamonds and 2% of the gross receipts of the EB in the case of the business activity of storage of components in a warehouse in a custom bonded area for sale to a contract manufacturer) | The assessee understands and confirms that, — | | | |
| | | | | | No further deduction under section 28 to 34, 44 to 49, 51,52, Schedule IX and X has been claimed | Written down value of assets is deemed to have been calculated as if the assessee had claimed the depreciation | No set off of unabsorbed depreciation under section 33(11) or carried forward loss under section 112(1) has been claimed | No set off of loss from other business under section 108(1) or other head under section 109 has been claimed |
| | | A | B | C | D | E | F | |
| | | | Yes/No | Yes/No | Yes/No | Yes/No | | |
| | ii. | (Repeat, if required) | | | | | | |

Verification

I, _____, on behalf of _____ (name of eligible assessee) propose to opt for the safe harbour rules under section 167 read with rules 86 to 102. In this regard the particulars are as provided in Part A and B.

Also, I hereby affirm that the information provided above is true and correct to the best of my knowledge. I have not concealed any relevant fact. I am submitting this form in my capacity as _____ (designation), holding PAN _____ and I am competent to verify and submit this form.

Place:
Date:

Signature:
Name:
Designation:

Certification

I, _____, (Chief Executive Officer/Chairman and Managing Director of eligible assessee) certify that the information provided above is true and correct to the best of my knowledge. I have not concealed any relevant fact. I further certify the following (*tick the relevant boxes*):

| | |
|--------------------------|---|
| <input type="checkbox"/> | The aggregate operating revenue of the eligible international transaction being provision of information technology services does not exceed two thousand crore rupees as specified in rule 89(2) [Table: Sl. No. 1.C] |
| <input type="checkbox"/> | Most of the economically significant functions are performed by the foreign principal as specified in rule 87(2)(a). |
| <input type="checkbox"/> | The foreign principal or its other associated enterprises provide funds or capital, other economically significant assets including intangibles required and the eligible assessee is only provided remuneration for the work carried out by it as specified in rule 87(2)(b). |
| <input type="checkbox"/> | Eligible assessee works under the direct supervision of the foreign principal or its associated enterprise as specified in rule 87(2)(c). |
| <input type="checkbox"/> | Eligible assessee has no ownership right, legal or economic, on any intangible generated or on the outcome of any intangible generated or arising during the course of rendering of services or on the outcome of the research, which vests with the foreign principal as specified in rule 87(2)(e). |

Place:
Date:

Signature:
Name:
Designation:

Notes:

1. The name shall include full name of the eligible assessee.
2. The address shall include flat/door/building, road/street/block/sector, area/locality, post office, town/city/district, state, country and pin code.
3. Fill person status as below: —

| | |
|--------|--|
| (I) | Individual |
| (II) | Hindu undivided family |
| (III) | Company |
| (IV) | Firm |
| (V) | Association of Persons or Body of individuals, whether incorporated or not |
| (VI) | Local authority |
| (VII) | Artificial Juridical Person |
| (VIII) | Government |

| | |
|------|-------------------------------|
| (IX) | Trust |
| (X) | Limited Liability Partnership |

4. In Part B (Sl. No. 8), the assessee may select one or more eligible transactions. In any of the case, the assessee shall fill the sections for “Eligible International Transaction”, “Eligible Specified Domestic Transaction” or “Eligible Business” in Part B only if the respective transaction has been selected in this row.
5. In Part B (Sl. No. 9), (ii) will only be applicable if the Eligible International Transaction (EIT) has been selected as provision of information technology services referred to in Part B (Sl. No. 8).
6. In Part B (Sl. No. 11), —

(a) select one or more from the following: —

| | |
|-------|--|
| (I) | Provision of contract research and development services wholly or partly relating to generic pharmaceutical drugs. |
| (II) | Manufacturing and export of core auto components. |
| (III) | Manufacturing and export of non-core auto components. |
| (IV) | Provision of the data centre services. |

(b) in case where more than one EITs are selected in (a), then the “Nature of EIT” and “Details of EIT” are to be filled for each of the EITs.

7. In case the assessee selects the country or region which is no tax or low tax as defined in rule 86 or which is notified under section 176, then safe harbour shall not be allowed for the transaction with AE located in that country or region as per rule 92.
8. In Part B (Sl. No. 13(iii)), column G and H shall be applicable only in the case where “Yes” has been selected in Part B (Sl. No. 13(ii)).
9. In Part B (Sl. No. 17), select one or more from the following: —

| | |
|------|--|
| (I) | Selling of raw diamonds. |
| (II) | The business activity of storage of components in a warehouse in a custom bonded area for sale to a contract manufacturer. |

10. Where the region is a specified territory, the same may be mentioned.
11. This form is to be applied before the Assessing Officer or the Director General of Income-tax (Systems), as the case may be, and signed and verified by the person competent to verify the return of income under section 265.
12. The amount/ receipt mentioned in this form is to be filled in rupees unless stated otherwise.
13. Some of the information in the form would be pre-filled to the extent possible.