

**Guidance Note with respect to Safe Harbour Application Form**  
**Form No. 49 (erstwhile Forms 3CEFA, 3CEFB and 3CEFC)**

**1. Purpose:**

To exercise the option for safe harbour, the assessee shall furnish Form No. 49 on or before the due date. The form is a merged and simplified version of the erstwhile Forms 3CEFA, 3CEFB and 3CEFC. This form provides:

- i. particulars in respect of eligible international transaction (EIT) as per Rule 88 of the Income Tax Rules, 2026, and/or
- ii. eligible specified domestic transaction (ESDT) as per Rule 96, and/or
- iii. eligible business (EB) as per Rule 99(d).

**2. Who should file?**

All eligible assesseees as per Rule 87/95/99(c), intending to opt for Safe Harbour shall file Form No. 49 for relevant tax year with respect to EIT as per Rule 88/ESDT as per Rule 96/EB as per Rule 99 on or before the due date.

**3. Frequency & Due Dates:**

<b>Frequency</b>	<b>Due Date</b>
<b><u>For provision of information technology services:</u></b> To be filed for the relevant tax years	To be filed upto 30 <sup>th</sup> June of the financial year immediately succeeding the first tax year out of a period of five consecutive tax years.
<b><u>For others:</u></b> To be filed for the relevant tax year	To be filed on or before the due date specified in section 263(1)(b) for furnishing the return of income. Further, the return of income for the relevant tax year to be furnished on or before the date of furnishing the form.

**4. Structure of the form:**

Form No. 49 has the following two parts:

**PART A: Particulars of the person**

It consists of basic information of the applicant like name, address, PAN, nature of business or activities, contact details, etc.

**PART B: Other Information**

It has the following five sub-items:

**Item I: Option for Safe Harbour**

The assessee may select one or more eligible transactions out of “Eligible International Transaction (EIT)”, “Eligible Specified Domestic Transaction (ESDT)” or “Eligible Business (EB)” for which it intends to opt for Safe Harbour.

**Item II: Tax Year(s)**

In the case of EIT, other than provision of information technology services, ESDT or EB, tax year along with date of furnishing of return to be provided.

In the case of EIT being provision of information technology services, only tax years to be provided.

**Item III: Eligible International Transaction (EIT)**

a. For EIT being Provision of information technology services, Provision of contract research and development services wholly or partly relating to generic pharmaceutical drugs, Manufacture and export of core auto components, Manufacture and export of non-core auto components and Provision of the data centre services, details of the Associated Enterprise (AE) with whom EIT has been entered into along with Operating Profit (OP) margin in relation to Operating Expense to be provided.

Further, in case when there is more than one EIT, “Nature of EIT” to be selected as per Note 6 and “Details of EIT” to be filled for each of the EITs accordingly.

b. For EIT being advancing intra-group loans, details of the Associated Enterprise (AE) with whom EIT has been entered into along rate at which interest has been charged, amount of loan, and currency of loan to be provided. Also, if the loan is in foreign currency, whether the loan advanced to the AE including all loans to all AEs exceed Rs. 250 crore as on 31<sup>st</sup> March of the tax year to be indicated through ‘Yes’ or ‘No’.

c. For EIT being provision of corporate guarantee, details of the Associated Enterprise (AE) with whom EIT has been entered into, rate of commission or fee charged and amount of corporate guarantee to be provided. Also, whether the amount guaranteed exceeds Rs. 100 crore to be indicated through ‘Yes’ or ‘No’.

d. For EIT being receipt of low value-adding intra-group services, details of the Associated Enterprise (AE) with whom EIT has been entered into along with amount of EIT excluding mark-up, mark-up, amount of EIT including mark-up and details of certificate of accountant to be provided. Also, certificate of the accountant to be uploaded as Annexure.

**Item IV: Eligible Specified Domestic Transaction (ESDT)**

For ESDT being supply, transmission or wheeling of electricity, details of the Associated Enterprise (AE) with whom ESDT has been entered into along with details of relevant order of the Appropriate Commission determining the tariff or approving the methodology for determination of the tariff and amount received or receivable/paid or payable in respect of the ESDT to be provided.

For ESDT being purchase of milk and milk products, total amount of purchase for which safe harbour is opted, and whether the rate is as per the prescribed conditions by way of drop-down options to be provided.

#### **Item V: Eligible Business (EB)**

The assessee is to 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.

Details of EB including Gross receipts of EB, profits and gains of EB, and confirmation regarding fulfilment of the prescribed conditions by way of drop-down options to be provided.

#### **5. Documents required:**

- i. Documentation prescribed under section 171 of the Income-tax Act, 2025 and Rule 84 of the Income-tax Rules, 2026.
- ii. Report from an accountant under section 172 of the Income-tax Act, 2025 and Rule 85 of the Income-tax Rules, 2026.
- iii. Accountant's certificate – If the eligible assessee has entered into EIT of low value-adding intra-group services, the method of cost pooling, the exclusion of shareholder costs and duplicate costs from the cost pool and the reasonableness of the allocation keys used for allocation of costs to the assessee by the overseas associated enterprise to be certified by an accountant.
- iv. Information regarding credit rating of AE if the eligible assessee has entered into EIT of advancing intra-group loans or providing corporate guarantee.

#### **6. Step-by-step process of filing the form:**

Safe Harbour Form can be filed through e-filing portal using your user ID and password.

Follow the below steps to fill and submit the Form through online mode:

Step 1: Log in to the e-filing portal using your user ID and password.

Step 2: Once logged in, navigate to your Dashboard, then click on e-File > Income Tax Forms > File Income Tax Forms.

Step 3: On the File Income Tax Forms page, select Form No. 49. Alternatively, enter Form No. 49 in the search box to find out and file the form.

Step 4: On the Instructions page, click Let's Get Started.

Step 5: On click of Let's Get Started, Form No. 49 is displayed. Select the applicable transaction(s) and fill all the required details. Click Proceed.

Step 6: On the Preview page, verify the details and click Proceed to e-Verify.

Step 7: Click Yes to submit.

Step 8: On clicking Yes, you will be taken to the e-Verify page, where you can complete the verification process.

After successful e-Verification, a success message is displayed along with a Transaction ID and Acknowledgement Number. Please keep a note of the Transaction ID and Acknowledgement Number for future reference. Download a copy for your records. You will also receive a confirmation message on your email ID and mobile number registered with the e-filing portal.

**7. Key benefits of new Form No. 49:**

Three separate erstwhile Forms 3CEFA, 3CEFB and 3CEFC have been merged into a single form. This form is a smart form. Only that part of the form would be visible electronically which is related to the option selected in the beginning and elsewhere in the form. Further, drop-down options have been provided at several places in the form for structured and standardized filling of information. This will also help the applicants in a better understanding of statutory requirements with a view to facilitate ease of compliance.

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