

Name of form as per I.T. Rules, 1962	Form 3CED AND 3CEDA	Name of form as per I.T. Rules, 2026	51
Corresponding section of I.T. Act, 1961	92CC	Corresponding section of I.T. Act, 2025	168
Corresponding Rule of I.T. Rules, 1962	10-I	Corresponding Rule of I.T. Rules, 2026	106

Form 51- Application for an Advance Pricing Agreement

Purpose:

Form 51 of the Income Tax Act, 2025, is the application form for an Advance Pricing Agreement (APA). An APA is an agreement between a taxpayer and the Central Board of Direct Taxes (CBDT) to determine the transfer price or the manner of determining the transfer price for international transactions (and specified domestic transactions) for a specified period. Form 51 is filed under **Rule 106 and Rule 111** of the Income-tax Rules, 2026, and can be filed by person to eligible to apply under **Rule 104** of the Income-tax Rules, 2026. This form also combines the erstwhile Form 3CED (to apply for an Advance Pricing Agreement) and Form 3CEDA (to apply for Rollback of an Advance Pricing Agreement).

Who Should File:

Any person who has entered into or is contemplating entering into international transactions with an associated enterprise can apply for an APA by filing Form 51. Eligible applicants seeking rollback can also file Form 51.

Frequency & Due Dates:

The application must be filed before the start of the first tax year for which the APA is sought in respect of transactions which are of a continuing nature from dealings that are already occurring; or before undertaking the transaction in respect of remaining transactions and is applicable for a duration, typically of five tax years ahead in case of forward-looking APAs, and four tax years back in case of rollback, for a total of nine tax years.

Structure of Form 51:

- Part A: Particulars of the Person
- Part B: Other Details:
 - Particulars of proposed APA
 - Period of APA proposed
 - International Transactions proposed to be covered along with details of the same
 - International Transactions proposed to be covered along with details of the same in case Rollback request has been made.

➤ Other details to be provided as annexures in separate enclosure:

<i>General</i>		
A-1	History and background of the applicant and the associated enterprise.	
A-2	General description of business and products/services.	
A-3	Multinational structure, organizational arrangement, operational set-up, including major transaction flows.	
A-4	Details of all other transaction flows of the multinational enterprise (volumes, directions and amounts) that may have an impact on the pricing of the covered transactions.	
A-5	Proposed terms and conditions, and critical assumptions, for the APA.	
A-6	Details of all the business location(s)	
	Address of the location(s)	Employee headcount
A-7	Details of parent company	
a.	Details of all Immediate Parent Company:	
	Name	Yes/ No
	Address	
	Country/region of residence	
b.	Details of Ultimate Parent Company:	
	Name	Yes/ No
	Address	
	Country/region of residence	
	TIN or its equivalent	
	TIN or its equivalent	
<i>Functional Analysis</i>		
A-8	Detailed functional analysis of the applicant and all relevant entities with respect to the covered transactions.	
A-9	Business strategies:- (i) current and future Budget statements, (ii) projections and business plans for future period covered by proposed APA, (iii) general business and industry trends, (iv) future direction/business strategy including R&D, (v) production and marketing, (vi) Relevant marketing and financial studies (enclose copies).	
A-10	Financial statements on a consolidated and unconsolidated basis for the prior 5 years, (Also provide interim statements for the most recent period prior to the date of the submission).	
<i>Industry and Market Analysis</i>		
A-11	Comprehensive description of industry as well as generally accepted industrial and commercial practices.	
A-12	Identification and general profile of competitors, including respective market shares.	
A-13	Industry and general business statistics, financial ratios, and analyses/studies.	
A-14	Critical success factors for detailed industry analysis.	
A-15	Detailed analysis of the markets for all countries involved.	
<i>Transfer Pricing Background</i>		
A-16	Discussion of relevant legal considerations and requirements as per Indian law, foreign Law and DTAA between India and the foreign country including competent authority history.	
A-17	Discussion of relevant rulings, UAPAs/BAPAs/MAPAs, and other similar arrangements entered into with foreign tax administrations, for transfer pricing or other valuation bases, or other taxation matters entered into by the applicant (or its associated enterprises)	

A-18	History of transfer pricing audits and present status of appeals.				
			Amount of Adjustment	Decision of each appellate authority	Current status
	Tax Year	Disputed International Transaction			
A-19	History of foreign transfer pricing audits and present status of appeals.				
		Disputed International Transaction	Amount of Adjustment	Decision of each appellate authority	Current status
	Tax Year				
A-20	Copies of all relevant agreements (pricing, cost-sharing, licensing, agency, distributorship, etc.) relevant to this application is to be provided.				
A-21	Operating data (gross and net) segmented by product line, division, unit, and geographic region for the prior 5 years,				
<i>Transfer Pricing Methodology (TPM) Analysis</i>					
A-22	Provide all information, including detailed analyses and explanations needed to establish the appropriateness of a proposed TPM, in accordance with transfer pricing regulations as contained in the Indian Income-tax law.				
A-23	Discussion and analysis of each transfer pricing method, applied or rejected, for each covered transaction. In particular provide details on accepted or rejected internal comparable. (Indicate assumptions, strategies and policies that may have influenced the acceptance or rejection of each TPM).				
A-24	Summary of selected TPMs and secondary TPMs, if used as a sanity check.				
A-25	Application of the proposed TPMs to the covered transactions for the 5 prior years' operations and the time period applicant wants to cover in APA, and discuss results.				
A-26	Discussion and quantification of the variance from the proposed TPM, if any, from the TPM applied previously for the 5 prior years.				
A-27	In case where rollback is not opted for any Transaction ID for any tax year, the reasons for the same is to be provided.				

What are the documents required to file the Form 51?

Documents required are specifically mentioned in the Form and include (but are not limited to):

- Financial Statements for the covered years of the APA Application
- Inter-company agreements relevant to the Application

What is the process flow of filing Form 51?

The process flow includes following steps:

1. The Applicant shall file Form 51 electronically to the Principal Chief Commissioner of Income-tax (International Taxation) or the Competent Authority in India (in case of Bilateral/Multilateral transactions).
2. The PCCIT (IT)/Competent Authority shall assign the application to one of the 5 APA teams.

3. On receipt of the Application, the relevant APA team shall take necessary action on the Application as per procedure outlined in the Income-tax Rules, 2026.

Outcome of Processed Form 51:

The outcome of a processed Form 51 could be:

- Signing of an Advance Pricing Agreement (APA)
- Withdrawal of the Application
- Closure of the Application prior to signing or withdrawal

Brief note on broad or qualitative changes proposed:

- The form 51 combines the erstwhile Form 3CED (to apply for an Advance Pricing Agreement) and Form 3CEDA (to apply for Rollback of an Advance Pricing Agreement). This has been done in view of the similarities of the two forms and shall lead to reduction in compliance burden and avoiding duplication of Forms
- A number of queries which raised in the earlier version of the Form along with additional documentary requirements have been omitted with the aim of lowering compliance burden. Further, details have been asked for in easy-to-fill tabular form to the extent possible.
- Erstwhile Form 3CEE: Application for withdrawal of APA request has been removed. A simple letter may be filed by the Applicant for withdrawal. This further reduces compliance burden for Applicant.

Challenges and Solutions:

Combining the erstwhile Form 3CED and Form 3CEDA (for rollback requests) represented a challenge in the form of unnecessary duplication of data in the same form. However, the current design of the form has eliminated such duplication, ensuring conciseness without sacrificing comprehensiveness.

Common Changes made across Forms:

1. To make Forms system-friendly and enable e-filing and uploading, certain anomalies found due to grouping of Name, Designation, Address, PAN and Aadhaar number have been separated into different boxes.
2. Assessment / Financial / Previous year or years have been replaced with Tax year or years, wherever appearing in the Form/Annexure.
3. Sections, Clauses and Schedules changes as per the Income-tax Act, 2025.
4. Currency symbol "Rs." has been replaced with "₹".