

## FORM 42– Frequently Asked Questions

### Application for Certificate of residence for the purposes of an agreement under section 159(1) and 159(2) of the Act

<b>Name of form as per I.T. Rules, 1962</b>	<b>Form 10FA</b>	<b>Name of form as per I.T. Rules, 2026</b>	<b>42</b>
<b>Corresponding section of I.T. Act, 1961</b>	<b>90 and 90A</b>	<b>Corresponding section of I.T. Act, 2025</b>	<b>159(1) and(2)</b>
<b>Corresponding Rule of I.T. Rules, 1962</b>	<b>21AB(3)</b>	<b>Corresponding Rule of I.T. Rules, 2026</b>	<b>75(3)</b>

#### **1: What is FORM 42?**

**Ans** Form 42 is an application filed by the non-residents to obtain tax residency certificate in India from the income tax department for the purposes of section 159 of the Income-tax, Act, 2025. This tax residency certificate (TRC) thus, enables the taxpayers to fulfill requirements for tax claims in other countries under the Double Taxation Avoidance Agreements (DTAAs). It is prescribed under Rule 75(3) of the Income-tax Rules, 2026.

#### **2: Who should file FORM 42?**

**Ans:** Any resident who claims tax residency in India and is required to file tax residency certificate to claim DTAA benefits or fulfill requirements in other countries.

#### **3: Is FORM 42 mandatory?**

**Ans:** No. Form 42 is not mandatory. It is to be filed at requirement of the taxpayer.

**4: What is the time limit for filing FORM -42?**

**Ans:** There is no due date for filing of the form. It is to be filed as per the requirement of the taxpayer

**5: How many times can FORM 42 be filed in a year?**

**Ans:** Since tax residency certificate is issued for the tax year, a single form for a specific time-period is often sufficient to meet the requirements of the taxpayers in other countries. In case the time periods are different in different countries, multiple tax residency certificates can be applied for (without overlapping time-periods in a tax year), specifying the purpose/necessity for the certificate in each form.

**6: What documents are required to file FORM 42?**

**Ans:** Following documents may be required for filing Form -42:

- 1) Personal documents such as PAN, Passport
- 2) For non-residents other than individuals, the document of registration/incorporation
- 3) Documents supporting any other details given in the Form that are to be uploaded

**7: Can I edit FORM 42 after submission?**

**Ans:** No. Once Form 42 is submitted and acknowledgment is generated, it cannot be edited. Ensure all details are correct before submission. However, option to withdraw the application is being enabled so as to file a new form after withdrawal.

**8: Do I need to attach proof of tax payment?**

**Ans:** No. Form 42 does not require submission of any proof of tax payment.

**9: While filling personal details, can I leave Aadhaar or mobile number blank?**

**Ans:**

- Aadhaar is no longer required in the personal details.
- Mobile number ensures faster communication and verification; it is recommended to provide it.

**10: What if I do not have a PAN?**

**Ans:** Form 42 cannot be submitted without a valid PAN.

**11: Can FORM 42 be filed offline?**

**Ans:** No. Form 42 can only be submitted online through the Income Tax e-Filing portal.

**12. What is the process flow of filing FORM 42?**

**Ans.** The process flow for filing Form 42 includes the following steps

- **Registration:** Residents must register on the Income Tax e-filing portal.
- **Fill FORM 42** accurately for the period for which the TRC is applicable.
- **Documents to be submitted:**
  - Passport copies
  - Aadhaar copy (in the case of individuals)
  - Documents of incorporation/ registration
  - Proof of stay in India
  - Any other relevant information

- **Verification:** The statement should be digitally signed by authorized signatory or verified by the OTP through various means, depending on the taxpayer's profile.

**13: Why is FORM 42 important?**

**Ans:** Form 42 is important because it is the official application to obtain a Tax Residency Certificate (TRC) in India, which is crucial for claiming benefits under Double Taxation Avoidance Agreements (DTAA). Taxpayer cannot obtain tax residency certificate in Form 43 in India, without filing Form 42.