

F.No. 504/31/2010-FTD-I
Government of India
Ministry of Finance
Department of Revenue
(Foreign Tax & Tax Research Division)

R.No.905,
'C' Wing, Hudco Vishala Bldg,
14, Bhikaji Cama Place,
New Delhi, dated the 21st November, 2011

OFFICE MEMORANDUM

Sub: Suggestions for prescribing a proforma for obtaining information relating to Transfer Pricing and in other cases – Reg

Kindly refer to the above.

2. Information on tax matters is being sought by field officers of the Income Tax Department from countries/jurisdictions with which India has Double Taxation Avoidance Agreement (DTAA) or Tax Information Exchange Agreement (TIEA) under the relevant 'Exchange of Information' Article of DTAA/TIEA through the office of competent authority viz. the Joint Secretary in the Foreign Tax & Tax Division, CBDT. Presently the above information is being sought obtained in a prescribed checklist/ proforma (copy enclosed as Annexure-A). Further in the case of U.K, for obtaining banking information, a separate proforma has been prescribed by U.K tax authorities (copy enclosed as Annexure-B).

3. Considering the developments at International Forums including the Model Proforma for the exchange of information being developed by the OECD, it is proposed to change the existing proforma. Further, it is proposed to have a separate proforma for obtaining any information relating to Transfer Pricing and prescription of a separate proforma for the same.

4. In view of the above, I am directed to request you to give your comments and views on the following to the FT & TR division by the 15th December, 2011:

- a) for developing separate proforma (T.P) for Transfer Pricing cases

b) for any improvement required to be made to the present Proforma prescribed for obtaining information from countries/jurisdictions with which India has DTAA/TIEA.

c) Any other suggestion relating to the above

5. I am also directed to state that, at present, the request may be sent to FT&TR Division by the concerned Commissioner of Income Tax/Director of Income Tax as per the following guidelines:

(a) Request should be made in the checklist/proforma as per Annexure A and Annexure B.

(b) Request for the exchange of information may be addressed by the concerned commissioner of Income Tax/Director of Income Tax to JS (FT&TR-I), CBDT, New Delhi, for the North America including Caribbean Island, Europe and Japan and to JS(FT&TR-II), CBDT, New Delhi, for the rest of the world.

(c) The request for exchange of information for the cases getting time barred on 31st December, 2011 should be received in the office of JS (FT&TR-I) or JS(FT&TR-II), as the case maybe, by **15th December, 2011**.

(d) Separate requests should be made for different tax payers even if the case pertains to same country or same foreign entity. Further, separate requests should be made for different countries even if the cases pertain to the same assessee.

6. The above may be brought to the notice of all officers of your region. This issues with the approval of Chairman, CBDT.

Encl: As above.

Vipul Agarwal
21/11/11

(Vipul Agarwal)

Under Secretary (FT&TR-III) (1)

Telefax-26177534

All Chief Commissioners of Income Tax

All Directors' General of Income Tax