Synopsis of Income Tax (21st) Amendment Rules, 2015

[Personal & Private Circulation bearing no opinion or advice]

Date of Effect: 01.04.2016

Manner of Furnishing and Signing of Form 15CA and 15CB:

The CBDT has amended Rule 37 BB of the Income-tax Rules and made changes which are as under:

1. The person responsible for paying to a non-resident any sum chargeable under the provisions of the Act, shall furnish the following, namely:

- Information in Part A of Form No. 15CA, if the amount of payment or the aggregate of such payments which is chargeable to tax, as the case may be, made during the financial year does not exceed five lakh rupees;

- For payments other than the payments referred in Part A, the information, in Part B of Form No. 15CA after obtaining a certificate from the Assessing Officer under section 197; or an order from the Assessing Officer under sub-section (2) or sub-section (3) of section 195;

- Information in Part C of Form No. 15CA, after obtaining a certificate in Form No. 15CB from a Chartered Accountant.

2. The person responsible for paying to a non-resident, any sum which is not chargeable under the provisions of the Act, shall furnish the information in Part D of Form No. 15CA.

3. No information is required to be furnished for any sum which is not chargeable under the provisions of the Act, if:

- The remittance is made by an individual and it does not require prior approval of Reserve Bank of India as per the provisions of section 5 of the Foreign Exchange Management Act, 1999 (42 of 1999) read with Schedule III to the Foreign Exchange (Current Account Transaction) Rules, 2000; or

- The remittance is of the nature specified in the specified list.

4. The person responsible for paying to a non-resident any sum which is not chargeable under the provisions of the Act shall furnish the information in Part D of Form No. 15CA.

5. The information in Form No. 15CA shall be furnished:

- Electronically under digital signature in accordance with the procedures, formats and standards as specified.

- The certificate in Form No. 15CB shall be furnished and verified electronically in accordance with the procedures, formats and standards as specified.

- Income tax shall specify the procedures, formats and standards for the purposes of furnishing and verification of Form 15CA, Form 15CB and Form 15CC and shall be responsible for the day-to-day administration in relation to the furnishing and verification of information, certificate and quarterly statement.

Note: *Form 15CB shall be furnished only in the case where the payment is chargeable to tax.*

Disclaimer: *This document contains the views and analysis of the author regarding the mentioned amendment Act and it is for personal and private circulation and not bearing any opinion or advice.*

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