

## FORM NO. 49

[See rules 90, 91, 98 and 101]

## Application for opting for Safe Harbour

Part A: Particulars of the Person			
1.	Name:	<i>(refer Note 1)</i>	
2.	Address:	<i>(refer Note 2)</i>	
3.	Permanent Account Number (PAN):		
4.	Nature of business or activities of the assessee:		
5.	Status:	<i>(refer Note 3)</i>	
6.	E-mail Id:		
7.	Contact Number:	Country Code	Number

Part B: Other Information			
<b>I. Option for safe Harbour</b>			
8.	Safe Harbour is opted for the following transactions <i>(select one or more): (refer Note 4)</i>	1. Eligible International Transaction (EIT) <ul style="list-style-type: none"> <li>(i) Provision of information technology services;</li> <li>(ii) Others</li> </ul> 2. Eligible Specified Domestic Transaction (ESDT)	
		3. Eligible Business (EB)	
<b>II. Tax Year(s)</b>			
9.	Tax year(s) for which the option is to be exercised <i>(refer Note 5):</i>		
	(i)	In the case of EIT (other than provision of information technology services), ESDT or EB, provide the following details:	
	(a)	Tax Year:	
	(b)	Date of furnishing of return of income for the tax year:	
	(ii)	In the case of EIT being provision of information technology services, provide the following details <i>(refer Note 5):</i>	
	(a)	Tax Years for which option is to be exercised:	
<b>III. Eligible International Transaction (EIT)</b>			
10.	(i)	Nature of EIT:	Provision of information technology services
	(ii)	Aggregate operating revenue of the EIT (total amount should not exceed two thousand crore rupees):	
	(a)	Operating revenue of provision of information technology enables services:	

	(b)	Operating revenue of provision of knowledge process outsourcing services:	
	(c)	Operating revenue of provision of contract research and development services wholly or partly relating to software development:	
	(d)	Operating revenue of provision of software development services:	

11	(i)	(iii) Details of EIT:								
		Sl. No.	Details of the Associated Enterprise (AE) with whom EIT has been entered into					Operating Profit (OP) margin in relation to Operating Expense		
			Name	Address	PAN, if available	Taxpayer Identification Number or its equivalent in the country/region of location	Country or region in which AE is located (refer Note 7)	Operating Revenue (OR)	Operating Expense (OE)	OP margin (OP/OE)
		A	B	C	D	E	F	G	H	I
		1.								
		2.	(Repeat, if required)							
		(a)	Nature of EIT (refer Note 6):							
		(b)	Details of EIT:							
			Sl. No.	Details of the Associated Enterprise (AE) with whom EIT has been entered into					Operating Profit (OP) margin in relation to Operating Expense	
		Name		Address	PAN, if available	Taxpayer Identification Number or its equivalent in the country/region of location	Country or region in which AE is located (refer Note 7)	Operating Revenue (OR)	Operating Expense (OE)	OP margin (OP/OE)
A	B	C	D	E	F	G	H	I		
1.										
2.	(Repeat, if required)									
(ii)	(Repeat, if required)									





					location	(refer Note 7)					
	A	B	C	D	E	F	G	H	I	J	K
	1.										
	2.	(Repeat, if required)									

**IV. Eligible Specified Domestic Transaction (ESDT)**

15	(i)	Nature of ESDT:							Supply of electricity or transmission of electricity or wheeling of electricity		
	(ii)	Details of ESDT:									
		Sl. No.	Details of the Associated Enterprise (AE) with whom ESDT has been entered into			Details of relevant order of the Appropriate Commission determining the tariff or approving the methodology for determination of the tariff			Amount received or receivable / paid or payable in respect of the ESDT		
			Name	Addresses	PAN	Date of order	Type of order	Validity of order			
			A	B	C	D	E	F	G	H	
			1.								
		2.	(Repeat, if required)								
16	(i)	Nature of ESDT:							Purchase of milk and milk products		
	(ii)	Details of ESDT:									
		The total amount of purchase for which safe harbour is opted		Whether the rate is —				Whether the rate of milk or milk products are routinely declared by the co-operative society in a transparent manner and are available in public domain (Yes/No)			
			Fixed on the basis of quality – SNF content – of milk (Yes/No)	Irrespective of milk procured (Yes/No)	Irrespective of percentage of shares held by the members (Yes/No)	Irrespective of the voting power held by the members (Yes/No)					
			A	B	C	D	E	F			

**V. Eligible Business (EB)**

17.	(i)	(a)	Nature of EB (refer Note 9):							
		(b)	Details of EB:							

	Gross receipts of the eligible business	Profit and gains of the EB chargeable to tax under the head "Profits and gains of business or profession" (shall be $\geq$ 4% of the gross receipts of the EB in the case of selling of raw diamonds and 2% of the gross receipts of the EB in the case of the business activity of storage of components in a warehouse in a custom bonded area for sale to a contract manufacturer)	The assessee understands and confirms that, —			
			No further deduction under section 28 to 34, 44 to 49, 51,52, Schedule IX and X has been claimed	Written down value of assets is deemed to have been calculated as if the assessee had claimed the depreciation	No set off of unabsorbed depreciation under section 33(11) or carried forward loss under section 112(1) has been claimed	No set off of loss from other business under section 108(1) or other head under section 109 has been claimed
	A	B	C	D	E	F
			Yes/No	Yes/No	Yes/No	Yes/No
(ii)	<i>(Repeat, if required)</i>					

#### Verification

I, \_\_\_\_\_, on behalf of \_\_\_\_\_ (name of eligible assessee) propose to opt for the safe harbour rules under section 167 read with rules 86 to 102. In this regard the particulars are as provided in Part A and B.

Also, I hereby affirm that the information provided above is true and correct to the best of my knowledge. I have not concealed any relevant fact. I am submitting this form in my capacity as \_\_\_\_\_ (designation), holding PAN \_\_\_\_\_ and I am competent to verify and submit this form.

Place:

Signature:

Date:

Name:

Designation:

#### Certification

I, \_\_\_\_\_, (Chief Executive Officer/Chairman and Managing Director of eligible assessee) certify that the information provided above is true and correct to the best of my knowledge. I have not concealed any relevant fact. I further certify the following (*tick the relevant boxes*):

The aggregate operating revenue of the eligible international transaction being provision of information technology services does not exceed two thousand crore rupees as specified in rule 89(2) [Table: Sl. No.

	1.C]
	Most of the economically significant functions are performed by the foreign principal as specified in rule 87(2)(a).
	The foreign principal or its other associated enterprises provide funds or capital, other economically significant assets including intangibles required and the eligible assessee is only provided remuneration for the work carried out by it as specified in rule 87(2)(b).
	Eligible assessee works under the direct supervision of the foreign principal or its associated enterprise as specified in rule 87(2)(c).
	Eligible assessee has no ownership right, legal or economic, on any intangible generated or on the outcome of any intangible generated or arising during the course of rendering of services or on the outcome of the research, which vests with the foreign principal as specified in rule 87(2)(e).
Place:	
Signature:	
Date:	
Name:	
Designation:	

**Notes:**

1. The name shall include full name of the eligible assessee.
2. The address shall include flat/door/building, road/street/block/sector, area/locality, post office, town/city/district, state, country and pin code.
3. Fill person status as below: —

(I)	Individual
(II)	Hindu undivided family
(III)	Company
(IV)	Firm
(V)	Association of Persons or Body of individuals, whether incorporated or not
(VI)	Local authority
(VII)	Artificial Juridical Person
(VIII)	Government
(IX)	Trust
(X)	Limited Liability Partnership

4. In Part B (Sl. No. 8), the assessee may select one or more eligible transactions. In any of the case, the assessee shall fill the sections for “Eligible International Transaction”, “Eligible Specified Domestic Transaction” or “El-

eligible Business” in Part B only if the respective transaction has been selected in this row.

5. In Part B (Sl. No. 9), (ii) will only be applicable if the Eligible International Transaction (EIT) has been selected as provision of information technology services referred to in Part B (Sl. No. 8).
6. In Part B (Sl. No. 11), —

a. select one or more from the following: —

(I)	Provision of contract research and development services wholly or partly relating to generic pharmaceutical drugs.
(II)	Manufacturing and export of core auto components.
(III)	Manufacturing and export of non-core auto components.
(IV)	Provision of the data centre services.

b. in case where more than one EITs are selected in (a), then the “Nature of EIT” and “Details of EIT” are to be filled for each of the EITs.

7. In case the assessee selects the country or region which is no tax or low tax as defined in rule 86 or which is notified under section 176, then safe harbour shall not be allowed for the transaction with AE located in that country or region as per rule 92.
8. In Part B (Sl. No. 13(iii)), column G and H shall be applicable only in the case where “Yes” has been selected in Part B (Sl. No. 13(ii)).
9. In Part B (Sl. No. 17), 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.

10. Where the region is a specified territory, the same may be mentioned.
11. This form is to be applied before the Assessing Officer or the Director General of Income-tax (Systems), as the case may be, and signed and verified by the person competent to verify the return of income under section 265.
12. The amount/ receipt mentioned in this form is to be filled in rupees unless stated otherwise.
13. Some of the information in the form would be pre-filled to the extent possible.