

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)

NOTIFICATION

New Delhi, the 17th September, 2019

(INCOME-TAX)

G.S.R. 662(E).—In exercise of the powers conferred by sub-sections (18) and (21) of section 144BA read with section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. **Short title and commencement.**- (1) These rules may be called the Income-tax (8th Amendment) Rules, 2019.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Income-tax Rules, 1962, in Part II,-
 - (a) after rule 10UC, the following shall be inserted, namely:-

“DE.- Approving Panel

10UD. Reference to the Approving Panel.- A reference under sub-section (4) of section 144BA to an Approving Panel shall be,-

- (i) made in Form No 3CEIA along with a copy of Form No 3CEI and such other documents which the Principal Commissioner or the Commissioner deems fit; and
- (ii) submitted in four sets, either in Hindi or English.

10UE. Procedure before the Approving Panel.- (1) A reference received under rule 10UD shall be caused to be circulated by the Chairperson of the said Panel among the other members within seven days from the date of receipt of such reference.

(2) The Chairperson of the Approving Panel shall cause to be issued the notice to the Assessing Officer and the assessee affording an opportunity of being heard specifying therein the date and place of hearing.

(3) The meetings of the Approving Panel shall take place at such place as the Approving Panel may decide.

10UF. Remuneration.- (1) For attending the meeting of an Approving Panel, the Chairperson and other members of the said Panel shall be entitled to-

- (i) a sitting fee of six thousand rupees per day; and
- (ii) travelling allowances including transportation charges for local travel and daily allowances (including accommodation) as admissible to an officer of the rank of Special Secretary to the Government of India.

(2) The expenditure of an Approving Panel shall be met from the budgetary grants of the Department of Revenue in the Ministry of Finance of the Central Government.”

(b) in Appendix II, after Form No 3CEI, the following Form shall be inserted, namely:-

“Form No 3CEIA

[See rule 10UD]

Form for making reference to the Approving Panel under sub-section (4) of section 144BA of the Income-tax Act, 1961

To,

The Chairperson
Approving Panel

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Madam/ Sir,

Whereas I have received the reference from the Assessing Officer under sub-section (1) of section 144BA of the Income-tax Act, 1961 (the Act) in Form 3CEG on _____ for declaring an arrangement as an impermissible avoidance arrangement in case of M/s _____ (the assessee), PAN _____, and after considering the explanation of the assessee and all other relevant facts, I am satisfied that the arrangement is an impermissible avoidance arrangement and my satisfaction is recorded in enclosed Form No 3CEI.

I hereby make a reference under sub-section (4) of section 144BA of the Act to the Approving Panel for declaring said arrangement as an impermissible avoidance arrangement.

Date:

Place:

Yours faithfully,

Enclosure: As above.

Name and designation of the Principal Commissioner or Commissioner

_____”.

[Notification No. 67/2019/ F. No. 370142/8/2019-TPL]

NIRAJ KUMAR, Dy. Secy. (Tax Policy & Legislation)

Note : The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii) *vide* number S.O. 969(E), dated the 26th March, 1962 and were last amended *vide* notification number G.S.R. 661(E) , dated 16th September, 2019.