

# Advance Rulings — Law and Procedure

*Sunil M. Lala, Advocate*

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### **1) Introduction**

The scheme of advance rulings has been introduced from 1st June, 1993 in the Income-tax Act (Chapter XIX-B) to benefit non-residents in obtaining a ruling in advance from the Authority for Advance Rulings so that they are not saddled with problems of uncertainty with regard to the taxability of income arising out of the activities or transactions undertaken or proposed to be undertaken in India. This scheme, therefore leads to expeditious action for resolution of disputes between the Income – tax authorities and the taxpayers to avoid foreseeable protracted legal proceedings.

### **2) Constitution of Authority for Advance Rulings**

The Authority for Advance Rulings is constituted in New Delhi comprising of three members i.e (a) a Chairman, who is a retired judge of the Supreme Court; (b) an officer of the Indian Revenue Service who is qualified to be a member of the Central Board of Direct Taxes and (c) an officer of the Indian Legal Services who is, or is qualified to be, an Additional Secretary to the Government of India [Section 245 – O(2)].

The current organizational set-up of the Authority of Advance Rulings is as follows:-

#### **CHAIRMAN**

**MR. JUSTICE P.V.REDDI**

#### **MEMBER (REVENUE)**

**Shri R.R.Singh**

#### **MEMBER (LAW)**

**Shri A.Sinha**

The law and procedure relating to advance rulings are contained in the following provisions.

- i) Chapter XIX-B of the Income Tax Act, 1961, comprising of section 245N to 245V (both inclusive).
- ii) Rule 44E and 44F of the Income Tax Rules, 1962; and
- iii) Authority for Advance Rulings (Procedure) Rules, 1996. [Published vide notification No. G.S.R. 420(E), dtd. 17th September, 1996 and reported in 222 ITR (Stat.) 1]

### **3) Purpose and advantage of the scheme of Advance Ruling**

The setting up of an Authority for Advance Rulings (AAR) with the insertion of a new Chapter XIX-B (sections 245N to 245V) in the Income-tax Act, w.e.f. 1st June, 1993, is an attempt to enable the non-residents, to obtain advance rulings on issues on facts or law, within six months of the application and such rulings are binding both on the Applicant as well as the Revenue. Some of the advantages of seeking rulings from the authority are:

- i) The non-resident investor can be sure of its liability towards income-tax even before the start of investment in India. Hence, it can mould its investment plans accordingly and it would be able to avoid long-drawn litigation.
- ii) The AAR is best suited to sort out complex issues of taxation including those concerning Double Taxation Avoidance Agreements (DTAA) which arises as a result of differences of opinion between the tax collectors and the tax-payers.
- iii) The rulings of the AAR are binding on the Applicant as well as the Commissioner of Income Tax and authorities below him, not only for one year but for all the years unless the facts or the law change; therefore, having obtained the ruling on a given set of facts the tax-payer may be sure about his tax liability in future.
- iv) The AAR is to pronounce its ruling within six months of the receipt of the application. This enables the investor to obtain the ruling and draw up the details of his transactions without undue delay on this account and with full certainty regarding its tax implications.
- v) The statute does preclude the AAR, if the circumstances so warrant, from allowing the Applicant to modify or reframe the questions, agreements or projects till the time of hearing. Such a facility is generally not available before other courts or tribunals.
- vi) Under the rules, the proceedings before the AAR are not open to the general public. Confidentiality of the proceedings is maintained by the AAR as contents of the application are not revealed to any unauthorised person. Thus, there is no danger of the business secrets of the Applicant being leaked out to its rivals or others.
- vii) Protracted hearing of the application is avoided. If a complicated issue of law or fact is not involved and the point of view put forward by the Applicant is acceptable, a ruling will be pronounced by the AAR without personal hearing. In other cases, the Applicant, if he so desires and, if considered necessary, a representative of the Department will be heard and a reasoned ruling will be given by the AAR in writing.

#### **4) Definition of advance ruling and eligibility**

The term “advance ruling” has been defined in clause (a) of section 245N to mean (a) the determination by AAR of a question of law or of fact in relation to a transaction which has been undertaken or is proposed to be undertaken by a non-resident Applicant and also includes the determination of the tax liability of the non-resident arising out of such transaction undertaken with a resident Applicant; (b) the determination by AAR or decision on a question of law or fact relating to computation of

total income which is pending before any income tax authority or the Appellate Tribunal.

As per the provisions of clause (b) of section 245N, the following can apply for advance ruling (a) a non-resident who has entered or proposes to enter into a transaction in India (b) a resident who has entered or proposes to enter into such transaction with the non-resident (c) a resident falling within any such class or category of persons as the Central Government may, by notification in the Official Gazette specify. Public sector companies have been notified *vide* notification No. 725(E) dtd. 3rd August, 2000 (2000) 245 ITR (St.) 5. After reading the provisions of clause (b) of section 245N, the following questions may arise as to:

◆ **Whether a resident Indian can apply for an advance ruling?**

Yes, a resident Indian can apply for an advance ruling to determine the tax liability of a non-resident arising out of a transaction which has been or is proposed to be undertaken by him with a non-resident. Resident assessee who are notified under sub-clause (iii) of clause (b) of section 245N can also apply (Presently only public sector companies have been notified).

◆ **Whether a resident but not ordinary resident can apply for an advance ruling?**

As a resident but not ordinary resident person would fall within the broader category of "resident", he would also be entitled to apply for a ruling in situations specified above.

◆ **Whether a resident, who is liable to withhold tax on the payment to be made to non-residents can apply for an advance ruling?**

Yes. (See Recent Advance Ruling on *McLeod Russel Kolkata Ltd In re.* (2008) 215 CTR 230(AAR))

◆ **Whether it is necessary that the Applicant should be non-resident on the date of application?**

It would be very difficult to enforce the condition that an Applicant is a non-resident at the time of making an application as the residential status would be determined on the basis of his stay in India throughout the previous year. Accordingly, if a person were a non-resident in the previous year immediately preceding the previous year in which the application is made, the application would be maintainable. (See *Robert W. Smith* (1995) 212 ITR 275, *Monte Harris* (1996) 218 ITR 413, P.NO. 20 of 1995 (1999) 237 ITR 382)

◆ **Can a person seek a ruling in respect of his tax liability on his return to India and becoming a resident?**

Yes. (See Advance Ruling No. P-5 of 1995 (1997) 223 ITR 379, Advance Ruling P-12 of 1995 (1997) 228 ITR 61).

◆ **Can a ruling be sought in respect of an assessment, which has already been completed?**

Yes. The AAR can decide an issue in a case where the assessment has already been completed and an appeal against such order may be pending. Further, sub-clause (iii) to clause (a) to section 245N clearly specifies that an advance ruling may be with respect to the determination or decision by the AAR in respect of an issue relating to computation of total income which is pending before any income-tax authority or the Appellate Tribunal. However, clause (i) of the proviso to section 245R(2) specifies that the Authority shall not allow the application where the question raised is pending before any income-tax authority or Appellate Tribunal (except in the case of a resident Applicant falling in sub-clause (iii) of clause (b) of section 245N (i.e., notified by Central Government) or pending before any Court. Accordingly, the AAR can decide an issue pending before an appellate authority only in cases of applicants notified by the Central Government.

**5) Procedure in detail for making an application seeking advance ruling**

— The application has to be made in the following forms:

- |      |  |           |
|------|--|-----------|
| i)   | By non-residents   | :Form 34C |
| ii)  | By resident in relation to transaction with non-resident | :Form 34D |
| iii) | By residents notified by the Government                  | :Form 34E |

- Application must be made in quadruplicate
- It should be presented by the Applicant in person or by an authorised representative or may be sent by post;
- The application must be accompanied by draft of Rs.2,500/- drawn in favour of "Authority of Advance Ruling" payable at New Delhi. The demand draft should be drawn in Indian Rupees and not in any foreign currency [Rule 10(1) of the Authority for Advance Rulings (Procedure) Rules, 1996].
- The secretary may send the application back to the Applicant if it is defective in any manner for removing the defect.
- **Signature**
- The application must be signed as per the provisions of Rule 44E(2) of the Income Tax Rules, 1962, which are as follows:

If the Applicant is:	The application shall be signed by:
a) An individual — As a general rule — If for any unavoidable reason, it is not possible for the individual to sign	— By the Individual himself — By an authorised person (see Note below)
b) An HUF — As general rule — for the Karta to sign	— By the Karta — By the other adult member the HUF.
c) A Company — If the company has an M.D. — If for any unavoidable reason the M.D. is not able to sign — If the company has no M.D. — If for any unavoidable reason the Director is not able to sign	— By the M.D. — By any director of the company — By any director of the company — By an authorised person (see Note below)
d) A Firm — If the firm has a Managing Partner (M.P.) — If for any unavoidable reason the M.P. is not able to sign	— By the M.P. — By a partner for the firm (other than a minor)
e) Any other Association	— By any member of the Association Or By the Principal Officer thereof.
f) Any other person	— By that person Or By some other person competent to act on his behalf.

**Note:**

Where in case of an individual or a company, the application is signed by an authorised person, such person should be the one who holds a valid power of attorney from the individual/ company and such power of attorney should be attached to the application.

— The signature of the person mentioned in the above table should be put on

- i) the application form;
- ii) the verification appended to the said form;
- iii) the annexures to the said application and the statements and documents accompanying such application. [Rule 44E(2)]

#### **Enclosures to the Application**

- A statement listing question(s) relating to the transaction on which the advance ruling is required. This is optional. The question(s) may be stated in the application form itself. If, however, space provided is insufficient, separate enclosure may be used for this purpose.

It may be noted that the question(s) raised in the application should be exhaustively drafted covering all aspects of the issue involved and all alternative claims that the Applicant may wish to make without prejudice to each other. This is because if at a later stage the Applicant desires to raise an additional question which is not set-forth in the application, he may have to obtain permission of the AAR. Granting of such a permission is at the discretion of the AAR (refer Rule 12 of the AAR (P) Rules, 1996).

- A statement of relevant facts having a bearing on the question(s) on which the advance ruling is required [Annexure I].
- A statement containing the Applicant's interpretation of law or facts, as the case may be, in respect of the question(s) on which the advance ruling is required. [Annexure II].
- Where the application is signed by an authorised representative, the power of attorney authorising him to sign.
- Where the application is signed by an authorised representative, an affidavit setting out the unavoidable reasons which entitles him to sign.
- Separate enclosures may be used where the space provided for any of the items in the relevant forms is insufficient.
- All annexures to the application and other statements and documents accompanying the application are also required to be signed by the person who can sign the application [Rule 44E(2)].
- In the covering letter, the Applicant may make a request for being heard before pronouncing the ruling.

**6) Procedure in detail to be followed by the AAR after the filing of the application by the Applicant**

- i) The proceedings before the AAR can be classified in two stages. First is the stage where the application is either allowed or rejected u/s. 245R(2). The next stage is where the question(s) raised in the application are determined and the advance ruling is pronounced in writing u/s. 245R(6) read with section 245R(4).
- ii) On receipt of the application, the AAR will forward a copy to the Commissioner. The Commissioner may be called upon to furnish the relevant records. AAR shall examine the application and such records.
- iii) After examination, an order shall be passed u/s. 245R(2) to either allow or reject the application. The second proviso to section 245R(2) states that at the first stage, an application cannot be rejected without giving the Applicant an opportunity to be heard. By implication, therefore, if the application is to be allowed, there is no compulsion for the AAR to give an opportunity to the Applicant or to the Commissioner of being heard.
- iv) A copy of order u/s. 245R(2) is sent to the Applicant and to the Commissioner.
- v) If the application is allowed vide order u/s. 245R(2), the AAR shall :-
  - Examine such further material as may be placed before it by the Applicant;
  - Examine such further material as may be obtained by the Authority suo moto; and
  - Pronounce its advance ruling on the question specified in the application within six months of the receipt of the application either with or without giving the assessee a hearing.
- vi) Section 245R states that at the second stage, the AAR shall provide an opportunity to the Applicant of being heard “on a request received from the Applicant”. In other words, if the Applicant does not make a request for hearing, the AAR is not bound to provide such an opportunity. It is therefore advisable for the Applicant to make a request for hearing in his covering letter while filing the application itself. The notice of hearing can be served to the Applicant or his authorised representative either by hand, through process server, or by registered post or by FAX.



## **7) Opportunity of hearing & right to appoint authorised representative to appear before the Authority**

The second proviso to sub-section (2) of section 245R specifies that no application shall be rejected without affording an opportunity of being heard to the Applicant. Sub-section (5) of section 245R specifies that the AAR shall provide an opportunity to the Applicant of being heard, provided a request is made to that effect. Accordingly, if an Applicant wants to be personally heard before a ruling is pronounced, a specific request should be made in the application itself.

S. 245R provides that the Applicant is entitled to represent his case before the AAR either personally or through an authorised representative. If the Applicant desires to be represented by an authorised representative, duly authenticated document authorising him to appear for the Applicant should be filed.

## **8) Proceedings before the AAR are not open to general public**

Rule 24 of Authority for Advance Rulings (Procedure) Rules, 1996, specifies that the proceedings before the Authority are not open to public. Accordingly, no person other than the Applicant, the Commissioner or their Authorised Representatives can remain present during such proceedings.

## **9) Time limit within which the AAR is required to pronounce its rulings**

Sub-section (6) of section 245R specifies that the AAR shall pronounce its ruling within six months of the receipt of the application.

## **10) Withdrawal of an application**

As per sub-section (3) to section 245Q, an Applicant may withdraw an application within thirty days from the date of the application. An Applicant is not permitted to withdraw the application after this period or else the Applicant would be at liberty to withdraw the same any time during the pendency of the proceedings, should feel at any stage that the ruling is likely to adversely affect him.

## **11) Rejection of an application**

Under second proviso to section 245R(2), the AAR shall not allow the application where the question raised in the application :-

- a) Is pending in the Applicant's case before any I.T. authority, the ITAT or any Court; (except in case of application by residents belonging to the class/ categories notified by the Government); or
- b) Involves determination of fair market value; or

- c) Relates to a transaction, which is designed 'prima facie' for avoidance of tax (except in case of application by residents belonging to the class/ categories notified by the Government).

However, before rejecting an application, the Applicant should be given an opportunity of being heard.

Further, if the application is rejected, the reason for such rejection shall be given by the AAR in the order.

## **12) Ex-parte Ruling**

If on the date of hearing or a date on which the hearing is adjourned, the Applicant or the Commissioner does not appear in person or through an authorised representative, the AAR may decide the application ex-parte on merits. However, if an application is made within 15 days of the receipt of the order and the Applicant or the Commissioner satisfies the Authority that there was sufficient cause for his non-appearance when the application was called for hearing, the AAR may, after allowing the opposite party a reasonable opportunity of being heard, make an order setting aside the ex-parte order and restore the application for fresh hearing [Rule 17 of Authority for Advance Rulings (Procedure) Rules, 1996].

## **13) Situations in which the AAR can declare a ruling pronounced by it as void**

Section 245T of the Act, provides that where the ruling pronounced by the AAR has been obtained by the Applicant by fraud or misrepresentation of facts, it may pass an order to declare such ruling as void ab initio on a representation made to the AAR by the Commissioner or otherwise. On the ruling being declared void, all the provisions of the Income-tax Act shall apply to the Applicant as if such ruling had never been made.

## **14) Powers of AAR**

The AAR enjoys all powers of a Civil Court under the Code of Civil Procedure, 1908 as are referred to in section 131 of the Income Tax Act, 1961 [Section 245 U(1)].

### **◆ Power to rectify a ruling**

As per the provisions of Rule 19 of the Authority for Advance Rulings (Procedure) Rules, 1996, the ruling given by the AAR may be rectified by the AAR at the time before the said ruling is given effect to by the Assessing Officer. Such rectification, however, is possible in respect of any mistake apparent from the record.

AAR may rectify its ruling under one or of more the following cases:

- i) On an application made by the Applicant; or

- ii) On an application made by the Commissioner; or
- iii) Suo moto by the AAR.

However, before amending the ruling, the AAR is required to allow the Applicant as well as the Commissioner a reasonable opportunity of being heard.

#### ◆ Power to modify its rulings

As per the provisions of Rule 18 of the Authority for Advance Rulings (Procedure) Rules, 1996, the ruling given by the AAR may be modified by the AAR at the time before the said ruling is given effect to by the Assessing Officer. Such modification, however, is possible in cases where there is a change in law or facts on the basis of which the ruling was pronounced.

AAR may modify its ruling under one or of more the following cases:

- i) Suo moto by the AAR; or
- ii) On a representation made by the Applicant; or
- iii) On a representation made by the Commissioner; or
- iv) In any other case.

#### 15) Binding force of a ruling

Section 245S(1) specifies that the ruling would be binding on the Applicant who had sought it. Further, the ruling would be binding only in respect of the transaction in relation to which the ruling had been sought. The ruling would also be binding on the Commissioner and the Income-tax authorities subordinate to him, in respect of the Applicant and the said transaction. Therefore, Rulings pronounced by the authorities would not be binding in case of any other assessee or the departmental authorities. However, such rulings would have persuasive value and may be relied on by the AAR itself or by the Applicant/ department in their cases.

Sub-section (2) of section 245S provides that the ruling shall be binding unless there is a change of law or facts on the basis of which the ruling was pronounced. Accordingly, if there were an amendment to the law, the ruling would not be binding. Similarly, if there is a change in facts – say an agreement is modified, the ruling may not be applicable.

#### 16) Binding nature of CBDT Circulars on AAR

As the AAR is an independent authority; circulars issued by the Board may not be binding on it. However, benevolent circulars being for the benefit of the assessee would be required to be followed in view of the decisions of the Hon'ble Supreme Court in various pronouncements including that of *UCO Bank vs. CIT* reported in [1999] 237 ITR 889 (SC).

**17) Extension of time for completing the assessment by Assessing Officer's in case matter is referred for advance ruling**

Section 153(vi) provides that the period commencing from the date of filing the application before the AAR and ending with the date on which the order rejecting the application is received by the Commissioner is to be excluded while computing the period of limitation for completing assessment. Similarly Sec. 153(vii) provides that the period commencing from the date of filing the application and ending with the date on which the Ruling, pronounced by the AAR, is received by the Commissioner of Income Tax is also to be excluded.

**18) Draft/ specimen application to be filed before AAR**

To,

The Deputy Commissioner,  
Authority for Advance Rulings  
5th Floor, NDMC Building,  
Yashwant Place, Satya Marg,  
Chanakyapuri, New Delhi – 110 021.

Dear Sir,

Re : Non-Resident Indian residing in U.A.E.

Sub :- Advance Rulings.

Under instructions from our above named client we enclose herewith in quadruplicate the following:

- 1) Application in prescribed form; i.e. Form No. 34C.
- 2) Verification duly signed by power of attorney holder together with a copy of power of attorney.
- 3) Annexure 'A' being questions relating to transactions on which advance ruling is required.
- 4) Annexure 'T' being statement of relevant facts having bearing on the questions.
- 5) Annexure 'II' being statement containing the applicants interpretation of law or facts, as the case may be in respect of the question on which advance ruling is required.
- 6) Xerox copy of the advance ruling in the case of Mr. \_\_\_\_\_
- 7) A demand draft of Rs.2,500/- favouring 'Authority for Advance Ruling' payable at New Delhi.

Since the similar issue has been decided (\_\_\_\_\_) you are requested to give advance ruling as soon as possible. If any contrary view is to be taken then the hearing be fixed preferably in Bombay. Your early action will be highly appreciated.

Thanking you,

Your Faithfully,

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## FORM NO. 34C

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Form of application for obtaining an advance ruling u/s. 245Q(1) of the Income Tax Act, 1961

## Before the Authority of Advance Rulings

APPLICATION NO. \_\_\_\_\_ OF 2005

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- 1) Full name and address of the Applicant : Dr. ABC, B/2, Satyanand Society, Dr. Almeida Road, Thane
- 2) Telephone and Fax No. : 022-5335526/ 022-5360523
- 3) Country in which he is resident : U.A.E.
- 4) Status : Individual
- 5) Basis of claim for being a non-resident : Staying in U.A.E. since May 1991
- 6) The Commissioner having jurisdiction over the Applicant. : Commissioner of Income Tax Bombay City II
- 7) Permanent Account No. : 35-096-PN-4907BMY/ITO-WD.  
14(4) GIR No. ITO WD 14(4) 332-R
- 8) Questions relating to the transactions on which the advance ruling is required. : Please see 'Annexure 'A''
- 9) Statement of relevant facts having a bearing on the aforesaid questions : Please see 'Annexure I'
- 10) Statement containing the Applicant's interpretation of law or facts, as the case may be, in respect of the aforesaid questions : Please see 'Annexure II'
- 11) List of documents/ statement attached : a) Photocopy of Power of Attorney authorising wife Dr. \_\_\_\_\_ to sign.  
b) Demand Draft of Rs.2,500/-  
c) Photo Copy of Judgment

- 12) Particulars of account : Demand Draft of Rs.2,500/-  
payee demand draft (Rupees Two Thousand Five  
accompanying the Hundred only) No. 4317 drawn  
application on Bank of India, New Delhi
- 13) Name and address of : Mr. \_\_\_\_\_ Advocate  
authorised representative \_\_\_\_\_  
in India, if any : \_\_\_\_\_

#### VERIFICATION

I, Dr. \_\_\_\_\_ wife and a Power of Attorney holder of Dr. \_\_\_\_\_ do hereby declare that to the best of my knowledge and belief what is stated above and in the annexures, including the documents accompanying such annexures is correct and complete. I further declare that I am making this application in my capacity as holder of Power of Attorney and that I am competent to make the application and verify it.

I also declare that question on which the advance ruling is required is not pending in this case before any income-tax authority, the Appellate Tribunal or any court.

Verified today the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

Place : Bombay

Signature

#### ANNEXURE 'A'

Questions Relating to The Transactions on which the Advance Ruling is Required

1) Whether the assessee can claim the benefit of Agreement for avoidance of double taxation and prevention of fiscal evasion, entered between the Government of the Republic of India and Government of the United Arab Emirates (Notification No. G.S.R. 710(E), dated 18.11.1993) from Assessment Year 1995-96 and onwards.

2) If the answer to (1) is affirmative then :

(a) Whether Dividend accrued and received by assessee in India as a beneficial owner and taxable as per the provisions of section 56(2)(i) of the Income Tax Act, 1961 will be tax @ 15% of the gross amount of Dividend according to the Article 10 of the above mentioned Treaty. Also whether the dividend from Unit Trust of India or from Mutual Fund Specified under Clause (23D) of Section 10 will be given the same treatment and taxed @ 15% of the gross amount.

(b) Whether interest accrued and received by assessee in India as a beneficial owner and taxable u/s. 56 of the Income Tax Act, 1961 will be taxed @ 12.5% of the gross amount of interest according to the Article 11 of the abovementioned treaty.

- c) Whether Capital Gain (Long-term as well as short-term Capital Gain) arising from the Sale of Shares, Debentures, Units and other like securities will be totally exempt from tax in India according to Article 13 of the abovementioned Treaty.

**3) If the answer to (1) is negative then:**

Whether the dividend income, interest received from Government or an Indian concern and income received in respect of Units of Mutual Funds specified under Clause (23) of Section 10 or Unit Trust of India will be taxable as per the provisions of Section 115-A or as per the provisions of Section 115-E.

Place :

Signature

Date :

**ANNEXURE I**

**Statement of the relevant Facts having a bearing on The Question on which the Advance Ruling is required:**

- 1) The Applicant is a non-resident Indian residing in U.A.E. since
- 2) The Applicant derives income from the investment made in Equity Shares, Debentures, bonds of Indian Companies and units of Unit Trust of India and other mutual Funds.
- 3) The Applicant also derives capital gain/ loss on sale of the above investments.
- 4) The Applicant is a Radiologist in the Ministry of Health (Abu Dhabi), is a resident of U.A.E. within the meaning of Article 4(1) of the DTAA.
- 5) The family of the Applicant consists of wife, 2 daughters and a son all residing in India.
- 6) The Applicant resides in Abu Dhabi in an accommodation provided by the employer.
- 7) The authority for Advance Rulings in the case of Mohsinally Alimohammed Rafik reported in 213 ITR 317, held in favour of the assessee on similar issue raised by your Appellant. Copy of judgment is enclosed herewith.

Place:

Signature

Date:

## ANNEXURE II

Statement Containing the Applicant's Interpretation of Law or Facts as the Case may be in Respect of The Questions on which Advance Ruling is Required:

### Interpretation of Law

- 1) The Applicant states that the Agreement for avoidance of double taxation and prevention of fiscal evasion, entered between the Government of the Republic of India and Government of United Arab Emirates overrides the Income Tax Act, 1961 and hence the Income earned by the Applicant be taxed at rates mentioned in Annexure 'T' (2) forming part of this application.
- 2) Without prejudice to the above the income earned by the Applicant be taxed @ 20% as applicable to Non-residents in respect of Dividend and Interest as per the provisions of Section 115-A of the Income Tax Act, 1961 as amended by the Finance Act, 1994.

Appellant Therefore Humbly Request this Honorable Authority for Advance Ruling to Give/Issue Advance Ruling at An Early Date and Oblige.

Place:

Date:

### 19) Obtaining application forms

Request for application forms may be sent by mail.

- ◆ To the Deputy Commissioner, Authority for Advance Ruling, 5th Floor, NDMC Building, Yashwant Palace, Satya Marg, Chanakyapuri, New Delhi – 110 021.
- ◆ Tel No. 26117928/ 26888616/ 24101639 Fax : 26113890/ 26113407  
E.mail :- avipra@del2.vsnl.net.in
- ◆ For assistance the above Deputy Commissioner can be contacted personally between 11.00 a.m. and 1.00 p.m. on any working day.
- ◆ In case of any problem, the Commissioner of the Authority may be contacted.

