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Ref.No.MAIT/PY/2647

February 13, 2023

Shri Nitin Gupta, IRS
Chairman - CBDT
Ministry of Finance

Subject: - Request for enablement of Income-tax portal to submit electronic Form 10F with the TIN / any other unique identification number allotted by the Government of the Country of non-resident.”

Respected Sir,

Greetings from **MAIT**, India's apex industry body empowering IT, Telecom & Electronics Hardware Sectors!

This bears reference to Notification No. 03/2022 dated 16th July 2022, issued by the Directorate of Income-tax (Systems), New Delhi, it was made mandatory to file Form 10F electronically for all the non-residents who want to avail the tax treaty benefit.

Sir, as the filing of electronic Form 10F requires PAN number, **this notification caused a lot of practical challenges to Non-residents who are otherwise not required to obtain a PAN under the Income-tax Act.**

Subsequently, vide notification dated 12th December 2022, partial relaxation was provided to non-residents who are not having PAN and the relaxation is applicable only until March 31, 2023. Crux of the partial relaxation read as under:

“ On consideration of the practical challenge being faced by non-resident (NR) taxpayers not having PAN in making compliance as per the above notification, and with a view to mitigate genuine hardship to such taxpayers, it has been decided by the Competent Authority that such category of Non-resident taxpayers who are not having PAN and not required to have PAN as per relevant provisions of the Income-tax Act, 1961 read with Income-tax Rules, 1962, are exempted from mandatory electronic filing of Form 10F till 31st March 2023. For the sake of clarity, it is reiterated that such category of taxpayers may make statutory compliance of filing Form 10F till 31st March 2023 in manual form as was being done prior to issuance of the DGIT(Systems) Notification No.3 of 2022.

The relaxation provided as above is going to end by March 31, 2023. However, still the practical challenges continue as many of the Non-Residents who do not have any other presence in India and who are supplying the goods to Indian customers are not required obtain the PAN other than for above requirement.

It is relevant to note that quoting PAN number is not mandatory as per Form 10F as prescribed under Rule 21AB(1). Extract of the Form 10F is as below:

(ii)	Permanent Account Number or Aadhaar Number of the assessee if allotted	:	
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While the subject provisions/ Form is not mandating the requirement of PAN, the online process for submission of such Form cannot mandate the requirement of PAN.

Considering these difficulties and there is no requirement of law to mandatorily have PAN for submitting Form 10F, **MAIT requests that “the Income-tax portal should be enabled to submit electronic Form 10F with the TIN / any other unique identification number allotted by the Government of the Country of non-resident.”**

Such identification number is also envisaged in the Form 10F. The extract of relevant portion of 10F is provided for ready reference:

(iv)	Assessee's tax identification number in the country or specified territory of residence and if there is no such number, then, a unique number on the basis of which the person is identified by the Government of the country or the specified territory of which the assessee claims to be a resident
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We sincerely believe that the **Government by allowing to file online Form 10F without PAN number will be able to achieve the objective of collecting the information in electronic Form** without increasing the compliance burden on the non-residents who want to avail the treaty benefit.

We solicit your support and positive consideration of the request which shall help enabling Ease of Doing Business in the country.

Warm regards,



Col. AA Jafri, Retd.
Director General