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ISLAMABAD, TUESDAY, SEPTEMBER 29, 2020

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
REVENUE DIVISION
(Federal Board of Revenue)

NOTIFICATIONS

Islamabad, the 29th September, 2020

(INCOME TAX)

S. R. O. 922(I)/2020.—In exercise of the powers conferred by sub-section (2) of section 53 of the Income Tax Ordinance, 2001 (XLIX of 2001), the Federal Government is pleased to direct that the following further amendments shall be made in the Second Schedule to the said Ordinance, namely:—

In the aforesaid Schedule, in Part-IV, after clause (12H), the following new clause shall be added namely:—

“(12I) The provisions of section 148 shall not apply on import of 83 X Micron sprayers for Anti-Locust Operation (Respective heading) by National Disaster Management Authority (NDMA).”.

[F.No.1(88)R&S/2020.]

CH. MUHAMMAD TARIQUE,
Additional Secretary.

2043(1—7)

Price: Rs. 10.00

[6102(2020)/Ex. Gaz.]

Islamabad, the 29th September, 2020

(INCOME TAX)

S. R. O. 923(I)/2020.—In exercise of the powers conferred by sub-section (1) of section 237 of the Income Tax Ordinance, 2001 (XLIX of 2001), the Federal Board of Revenue is pleased to direct that the following further amendments shall be made in the Income Tax Rules, 2002, the same having been previously published *vide* Notification No. S. R. O. 863(I)/2020, dated the 14th September, 2020 as required by sub-section (3) of section 237 of the said Ordinance, namely:—

In the aforesaid Rules,—

- (a) in Chapter-IX, after Part-IA, the following new Part shall be inserted, namely:—

“PART-IAA

EXEMPTION UNDER SECTION 152

40FA. Exemption or lower rate certificate under sections 152 and 159 to non-resident persons or permanent establishment of non-resident person.— (1) Notwithstanding rule 40(1) and Part-VII of the First Schedule to these rules, an online application by a non-resident person or a PE of a non-resident person for a certificate under sub-section (1) of section 159 shall be made in the form specified in Part-VII(B) of the First Schedule to these rules, duly furnishing therewith all the requisite information and documents.

(2) An online application or notice for a certificate under sub-section (4B) of section 152 and sub-section (5) of section 152 shall be made by a payer in the form specified in Part VII(C) of the First Schedule to these rules, duly furnishing therewith all the requisite information and documents.

(3) An exemption certificate or a reduced rate certificate shall be issued to the non-resident person or PE of a non-resident person only if the Commissioner Inland Revenue is satisfied that the applicant—

- (i) has furnished return or returns of income when became due, if any, on or before the date on which the application or notice is made; and
- (ii) is not in default or deemed to be in default in respect of any tax (including penalties, default surcharge, advance tax under section 147 or tax payable under section 137) unless the same is stayed by Commission-IR, Commissioner-IR (Appeal), Appellate Tribunal Inland Revenue, High Court, Supreme Court or any other statutory body under the Income Tax Ordinance, 2001 (XLIX of 2001).

(4) The non-resident person or PE of a non-resident person shall file an affidavit to the effect that neither its withholding agent (payer) has filed application or notice for exemption or reduced rate certificate nor payer's application or notice has been rejected. In case of mis-representation, issued exemption or reduced rate certificate shall be cancelled forthwith.

(5) The resident person or PE of a non-resident person shall file an affidavit that neither the payee (non-resident person and PE of a non-resident person) has filed application or notice for exemption or reduced rate certificate nor has it been rejected. In case of mis-representation, issued exemption or reduced rate certificate shall be cancelled forthwith.

(6) The applicant shall provide the details of all the contracts made for the sale of goods, rendering or providing of services or for execution of contract in Pakistan.

(7) The Commissioner Inland Revenue may call for information, documents, record in respect of matters arising during the proceedings under section 152(4B), 152(5) or 159(1) of the Ordinance or cause further enquiry including but not limited to cohesive business operation.

(8) The Commissioner Inland Revenue may call for any information, documents, record from any person in connection with the application in order to determine that the amount is chargeable to tax being Pakistan -source income under the Ordinance.

(9) The Commissioner Inland Revenue shall, after providing an opportunity of being heard, pass an order within thirty days of receipt of application. However, any period adjourned at the request of the applicant or is postponed due to any proceedings, stay order, alternative dispute resolution proceedings or for any other reason, shall be excluded in the computation of the aforementioned period.

(10) The Commissioner Inland Revenue shall afford an opportunity of being heard to the applicant and, in case of default on the date of hearing, he may proceed *ex-parte* to decide the application on the basis of the available record.

(11) The certificate shall be valid for the period as allowed by the Commissioner-IR unless withdrawn by the Commissioner-IR earlier.

(12) The Commissioner Inland Revenue shall keep and maintain all record, *inter-alia*, encompassing the application and notice, necessary enclosures and annexure and the orders passed.””

(b) in the First Schedule, after Part VII(A), the following new Parts VII(B) and VII(C) shall be added, namely:—

Particulars of Transactions	15.	Bank Details of Payer (Resident Person or PE of Non-Resident Person) from where payment is received: i) Bank Account Details: a) A/C # _____ b) Bank Name _____ c) Branch Address: _____
	16.	Is the contract one-time or going (Y/N)? <input type="text"/>
Basis of Exemptions	17.	Nature of Contract? (What gives rise to the payments): _____
	18.	Is the Claim based on an Agreement for the Avoidance of Double Taxation (ADTA)? <input type="text"/>
	19.	Country: _____
	20.	Applicable Article / Paragraph: _____
	21.	Other supporting Arguments? (Please make out your case for exemption by making cogent arguments duly supported by legal provisions / data and documents)

Attachments:

- Affidavit
- Certificate of Residence
- Copy of Contract/Agreement
- Copy of Invoice
- Any other document/information

I hereby declare that whatever stated above in this application is correct. It is further declared that all the attachments/ relevant documents/information are enclosed in entirety.

Signature _____
 Name _____
 Address _____
 Date _____

*PART-VI(C)
(see rule 40 FA)

Federal Board of Revenue Form for Exemption/Reduced Rate on Payments to Non-Resident Person	
<small>Note: Please fill all the fields.</small>	
General	1 NTN: <input type="text"/> - <input type="text"/> Name of Payer: <input type="text"/> EDN No.: <input type="text"/>
	2 Office (LTU/RTO): <input type="text"/> 3. Tax Year: <input type="text"/> 4. Date of Application: <input type="text"/>
	5 Commissioner IRS: (i) Name: <input type="text"/> (ii) Zone: <input type="text"/>
	6 Nature of payment (Business, Dividend, Interest, Royalties, FTS etc.): <input type="text"/>
	7 (i) Currency: <input type="text"/> (ii) Amount Due for Payment: <input type="text"/>
	8 Affidavit that neither Payee (non-resident person or PE of a non-resident person) has filed Application/Notice for Exemption/Reduced Rate Certificate nor it has been rejected <input type="text"/>
	9 Status of the Payer (Resident / PE of Non-Resident) <input type="text"/>
	9 Resident person (Company, Individual, Firm/AOP/Trust/GOP) <input type="text"/>
Particulars of Payer (Resident Person or PE of Non-Resident Person)	Contact Details: (i) Address: <input type="text"/> (ii) Tel: <input type="text"/> (iii) Fax: <input type="text"/> (iv) E-mail: <input type="text"/> (v) Website: <input type="text"/> (vi) NTN: <input type="text"/> (vii) STRN: <input type="text"/> (viii) CNIC No. (if Individual) <input type="text"/> (ix) Incorporation # (if Company) <input type="text"/> (x) Incorporation Date (if Company) <input type="text"/> (xi) Registration # (if Firm/AOP/Trust/GOP) <input type="text"/> (xii) Registration Date: <input type="text"/>
	10 PE of Non-Resident Person in Pakistan: (i) NTN: <input type="text"/> (ii) STRN: <input type="text"/> (iii) BOVEAD's Permission No: <input type="text"/> (iv) Date: <input type="text"/> (v) Residence Country: <input type="text"/> (vi) Main Business: <input type="text"/> (vii) Status in Home Country (Corporate, Non Corporate, Individual): <input type="text"/> Contact Detail: (i) Address: <input type="text"/> (ii) Tel: <input type="text"/> (iii) Fax: <input type="text"/> (iv) Email: <input type="text"/> (v) Website: <input type="text"/> (vi) Inc./Reg. # <input type="text"/> (vii) Inc./Reg. Date: <input type="text"/>
	11 Bank Details of Resident Person or PE of Non-Resident Person and Payment Details: (i) Bank Account Details (from where payment is made): (a) A/C# <input type="text"/> (b) Bank Name <input type="text"/> (c) Branch Address: <input type="text"/> (ii) Total Payment made to the payee Under the head during the year: <input type="text"/> (iii) Total Payment to the payee made during the year: <input type="text"/>
	12 Category of Non-Resident Person (Company, Individual, Firm/AOP/Trust) <input type="text"/>
	Contact Detail: (i) Name: <input type="text"/> (ii) Address: <input type="text"/> (iii) Country: <input type="text"/> (iv) Tel: <input type="text"/> (v) Fax: <input type="text"/> (vi) E-mail: <input type="text"/> (vii) Website: <input type="text"/> (viii) Incorporation # (if Company) <input type="text"/> (ix) Incorporation Date (if Company) <input type="text"/> (x) Registration # (if Firm/AOP/Trust) <input type="text"/> (xi) Registration Date (if Firm/AOP/Trust) <input type="text"/> (xii) Bank Account Details of Non-Resident Person (where amount is finally destined to land): (a) A/C# <input type="text"/> (b) Bank Name <input type="text"/> (c) Branch Address: <input type="text"/> (d) Tel: <input type="text"/> (e) Country: <input type="text"/> (xiii) Certificate of Residence: <input type="text"/> copy attached (xiv) TIN: <input type="text"/>
	13 Is the contract one-time or going (Y/N)? <input type="text"/>
	14 Nature of Contract? (What gives rise to the payments): (Attach copy of contract / agreement) <input type="text"/>
	15 Is the Claim based on an Agreement for the Avoidance of Double Taxation (ADTA)? <input type="text"/>
	16 Country: <input type="text"/>
	17 Applicable Article / Paragraph: <input type="text"/>

16	Other supporting Arguments? (Please make out your case for exemption by making cogent arguments duly supported by legal provisions / data and documents)	
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Attachments:

- 1 Affidavit
- 2 Certificate of Residence
- 3 Copy of Contract/Agreement
- 4 Copy of Invoice
- 5 Any other document/information

I hereby declare that whatever stated above in this application is correct. It is further declared that all the attachments/ relevant documents/information are enclosed in entirety.

Signature _____
Name _____
Address _____
Date _____

[F.No.1(66)R&S/2020.]

SYED HASSAN SARDAR,
Secretary (Rules & SROs).