

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

New Delhi, the 30th September, 2019

**Income-tax**

**G.S.R. 701(E).**—In exercise of the powers conferred by sub-section (2) of section 92CE 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 (11<sup>th</sup> Amendment) Rules, 2019.  
 (2) They shall come into force with effect from the date of the publication in the Official Gazette.

2. In the Income-tax Rules, 1962, in rule 10CB.—

(I) for the words “excess money” occurring at both the places, the words “excess money or part thereof” shall be substituted;

(II) in sub-rule (1), —

(A) for clause (iii), the following clause shall be substituted, namely: —

“(iii) in a case where primary adjustment to transfer price is determined by an advance pricing agreement entered into by the assessee under section 92CC of the Act in respect of a previous year, -

- (a) from the date of filing of return under sub-section (1) of section 139 of the Act if the advance pricing agreement has been entered into on or before the due date of filing of return for the relevant previous year;
- (b) from the end of the month in which the advance pricing agreement has been entered into if the said agreement has been entered into after the due date of filing of return for the relevant previous year”;

(B) for clause (v), the following clause shall be substituted, namely: —

“from the date of giving effect by the Assessing Officer under rule 44H to the resolution arrived at under mutual agreement procedure, where the primary adjustment to transfer price is determined by such resolution under a Double Taxation Avoidance Agreement entered into under section 90 or section 90A of the Act”;

(III) after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) The interest referred to in sub-rule (2) shall be chargeable on excess money or part thereof which is not repatriated—

- (a) in cases referred to in clause (i), in sub-clause (a) of clause (iii) and clause (iv) of sub-rule (1), from the due date of filing of return under sub-section (1) of section 139 of the Act;
- (b) in cases referred to in clause (ii) of sub-rule (1), from the date of the order of Assessing Officer or the appellate authority, as the case may be;
- (c) in cases referred to in sub-clause (b) of clause (iii) of sub-rule (1), from the end of the month in which the advance pricing agreement has been entered into by the assessee under section 92CC of the Act;
- (d) in cases referred to in clause (v) of sub-rule (1), from the date of giving effect by the Assessing Officer under rule 44H to the resolution arrived at under mutual agreement procedure.”;

(IV) for the Explanation, the following Explanation shall be substituted, namely: —

“Explanation- For the purposes of this rule, —

- (A) “International transaction” shall have the same meaning as assigned to it in section 92B of the Act;
- (B) The rate of exchange for the calculation of the value in rupees of the international transaction denominated in foreign currency shall be the telegraphic transfer buying rate of such currency on the last day of the previous year in which such international transaction was undertaken and the “telegraphic transfer buying rate” shall have the same meaning as assigned in the Explanation to rule 26.”

[Notification No.76 /2019/ F.No.370142/12/2017-TPL]

NIRAJ KUMAR, Dy. Secy. (Tax Policy and Legislation Division)

**Note :** The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) *vide* notification number S.O. 969(E), dated the 26th March, 1962 and was last amended, *vide* notification number G.S.R 694(E) dated 27.09.2019.