

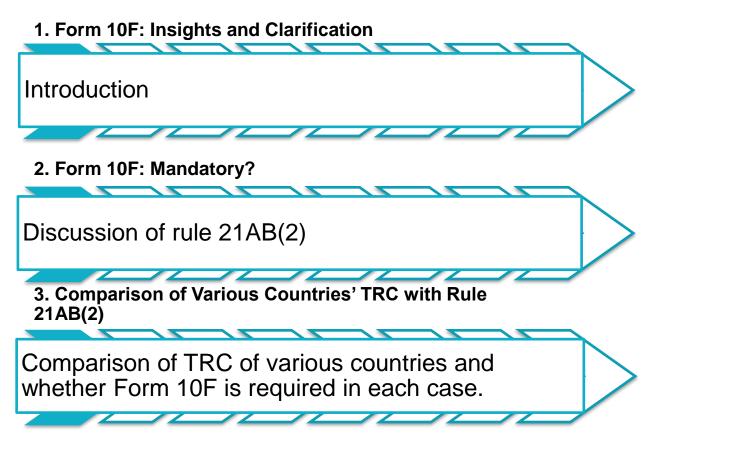
# Form 10F

# Form 10F-Whether Mandatory?

## Date: 17.09.2022

Jain Shrimal & Co.

# CONTENT



Jain Shrimal & Co.

# Form 10F: Insight and Clarification

- Form 10F is a supporting document to Tax Residency Certificate (TRC).
- Form 10F is a self declaration which should contain details as prescribed in section 90(5) read with rule 21AB that the person is a tax resident of a country other than India.
- Form 10F was earlier submitted offline by the non-resident, but after issue of Notification No. 03/2022 dated 16th July 2022 it needs to be filed online on efiling Portal of Income Tax. (Please note that, the online Form 10F is not a new Form, the only change is that, it now needs to be filed online as compared to offline submission to the deductor earlier)
- For more information about meaning of the Form 10F, difference between Form 10F and TRC & how to file the form on IT portal refer the link of SITG below: <u>SITG- E-filing of Form 10F</u>

# FORM 10F: MANDATORY?

According to the sub-rule 2 of Rule 21AB, Form 10F is not required to be filed if all of the following information is already provided in the TRC:

- Status i.e., individual, company, firm, etc. of assessee;
- Nationality in case of Individual and country of registration in other cases;
- Assessee's tax identification number in its resident country, in case there is no such number, then any other unique number as identified by the government of resident country;
- Period for which residential status will be calculated;



✤ Address of the assessee in the country or specified territory outside india.

So, if TRC contains all of the above details, there is no need to file Form 10F.

# **TRC of Various Countries**



DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE PHILADELPHIA, PA 19255

CERTIFICATION PROGRAM

Date: September 14, 2020

Taxpayer: TIN TIN: TIN Tax Year: 2020

I certify that the above named corporation is a U.S. corporation, and a resident of the United States of America for purposes of U.S. taxation.



### **Certificate of UK residence**

Corporation Tax Services HM Revenue and Customs BX9 1AX

To whom it may concern

Phone Moreay to Info. Pax Web Date 27 January 2020

Certificate of UK residence

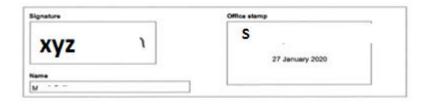
Unique Taxpayer Reference (UTR):

Company name: Registered office address:

1

### Name and Address

I certify that to the best of HM Revenue and Customa' knowledge, the above company as at 27 January 2020 is a resident of the United Kingdom in accordance with Article 4 of the Convention in force between the United Kingdom and India.



### Signature

LuCinda J Comegys Field Director, Accounts Management

Form \$168 (Flev. 6-2006) Catalog Number 43134V

HMRC 03/18

### Finanzamt Frankfurt/M. V-Höchst Verwaltungsstelle Frankfurt am Main V

Pressuant Frankfurchi, V-Histolut, Postbale 11 06 65, 80303 Frankfurt an Main

Address

Struemummer/Geschäftszeichen TIN Bearbeiter for Info. Tomator

HESSEN

Telefon Fax. Dimital-balle **Be Zaichen Des Nachrichs** 

Duture 64.01.2021

### CONFIRMATION OF THE GERMAN TAX AUTHORITY

The German Tax Authority confirms that

### Address

is in 2021 a corporation under German law with seat and place of management in Frankfurt am Main, Federal Republic of Germany, registration number , that is resident for tax purposes in the Federal Republic of Germany,

is registered at Finanzamt Frankfurt am Main V-Höchst with taxnumber TIN

files its tax returns in due time,

punctually pays its tax amounts and

has no outstanding payments regarding assessments issued up to above mentioned date with respect to corporate income tax, solidarity surcharge and trade tax.

Revenue Office:

STAMP

s

(Official Stamp)

Address

Place: Frankfurt am Main Date: 04.01.2021

SIGN

(Signature)

Bitte geben Sie stets die Steuernummer oder das Geschäftszeichen an. Sie erleichtem damit sich und uns die Arbeit. Vielen Dank. Spreit painter montage, mitheoche von 08:00 - 12:00 Uhr und donnerstage von 14:00 - 18:00 Uhr oder nach Vereinbarung Detende Arbeitszeit Annufe bitte montags tre donnerstags von 08.30 - 12.00 Uhr und 13.30 - 15.30 Uhr, freitags von 08.30 - 12.00 Uhr Postfach 11 08 65 - 60305 Frankfurt am Main - Telefon (0 69) 25 45-05 - Telefax (0 69) 25 45-59 99 Anachrift:

Verwaltungsstelle: 🕄 Gutleutstraße 116 - 80327 Frankfurt am Main E-Mait poshtete@finanzamt/tankfurt-5-hoechst.de - Internet: www.finanzamt/trankfurt-am-main.de Bankverbindungen. (beim Finanzamt Frankfurt am Main IV) Landesbank Hessen-Thüringen, BLZ 500 500 00, Kto 1 000 231, BIC HELADEFF, IBAN DE88 5005 0000 0001 0002 31 DT BBK F# Frankfurt am Main, BLZ 500 000 00, Kto 50 001 504 E S 12 4 Haupitrahnhof - 🛞 Behördenzentrum: Zufahrt Mannheimer Straße (petichverpflichtig)

香港特別行政黨 轮视动 你也把学巧士打出乡望 我我人想 计读用在进行时间 印度波



### INLAND REVENUE DEPARTMENT HONG KONG SPECIAL ADMINISTRATIVE REGION

REVENCE DIMER. A SERVICENTER BOAR, WAN CHAR. BEPSIC BRIDE IG PAD. BOY, USZ, BOYNG KIDNE

香港特別行政區 居民身分證明書

**取明書編號**: TIN 检索號码:

Certificate Serial No. : TIN File No. :

### 證明書

机排现存资料, 茲證明(1------即公司在2021磨年,按《中華人民共和 属普通特别行政區政府與印度共和國政 府關於對收人稅項還免雙重課稅和防止 過稅的協定)的規定,是香港特別行政 區居民 -

### Certification

Hong Kong Special Administrative Region

Certificate of Resident Status

On the basis of the information available, I am satisfied that MERGERSSERVERS LIMITED is a . Administrative Region under the "Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income" for the calendar year 2021.

### SIGN

香港特别行政巡 稅務局局長 (馮楚琪代行)

日期: 2021年2月23日

### SIGN

(FUNG CHO KI) for Commissioner of Inland Revenue Hong Kong Special Administrative Region

Date : 23/2/2021



REPUBLIQUE ET CANTON DE GENEVE Département des finarices et des ressources humaines Administration fiscale cantonale

AFC Service des Stres Case postale 3937 1211 Genève 3

Genève, le 31 mars 2021

CERTIFICATE OF RESIDENCE 2021 (01.01.2021 - 31.12.2021)

We hereby certify that the Company

### Address

- has its head Office in Geneva ;
- is registered for tax purposes under number TIN
- is subject to cantonal, communal and federal income taxes ;
- is subject to unlimited tax liability in Switzerland where it has its legal and fiscal domicile within the meaning of Article 4 of the Convention concluded on 2. November 1994 between the Swiss Confederation and the Republic of India for the avoidance of double taxation with respect to taxes on income (with a port, and ac, amicable).



Tax Reference No: TIN Date:

### Address

### 

55 Newton Road Singapore 307067 For enquides, please calt Tel: 1000-3568022 ctmal@ins.gov.ag

INLAND REVENUE AUTHORITY OF

SINGAPORE

### Dear Sir/Madam

### CERTIFICATE OF RESIDENCE FOR THE PURPOSE OF THE SINGAPORE-INDIA DTA

In response to your request dated 07 Dec 2020, it is confirmed that you are resident in Singapore for income tax purposes for the calendar year 2021.

1-1

Yours faithfully

### sign

ASSISTANT COMMISSIONER CORPORATE TAX DIVISION for COMPTROLLER OF INCOME TAX

Printed vie myTax Portal https://mytax.ins.gov.sg Page 1 of 1

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TIN TIN

# Comparison of various countries' TRC with Rule 21AB(2)

Countries Conditions	US	UK	Singapore	Hongkong	Switzerland	Germany
1. Status	YES	YES	NO	NO	YES	YES
2. Nationality	YES	YES	YES	YES	YES	YES
3. Unique Identification number	YES	YES	YES	YES	YES	YES
4. Period	YES	YES/ NO	YES	YES	YES	YES
5. Address	NO/ YES	YES	YES	NO	YES	YES

Jain Shrimal & Co.

# **OUR COMMENTS**

- In the TRC of countries like Switzerland, UK & Germany, all the conditions under Rule 21AB(2) are satisfied. Therefore, Form 10F is not required to be filed.
- Whereas in countries like US, Singapore & Hongkong, all condition of the said rule are not satisfied. Therefore, Form 10F will be required as a supporting document of TRC to claim the benefit of DTAA and same should be filed online.
- Further, in case of TRC issued by USA although address is not mentioned in TRC however, address is mentioned in the covering letter of TRC which is a part or annexure of TRC and hence could be considered as a part of TRC.
- The information prescribed in item number (i) of rule 21AB(1) should be read as applicable even though such words are not found in Rule 21AB(1). This is because the status of the assessee is a concept under Indian law. Section 2(31) ascribes status to a person, which may not be a concept in overseas countries.
- As of now Form 10F, is required to be filed online wherein PAN and DSC is mandatory which was not the case till now and this could give rise to practical difficulty and affect contracts between parties entered into between parties before this notification.

# Disclaimer

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