

FORM NO. 64

[See rule 129]

Form for making reference to the Approving Panel and for recording the satisfaction by the Commissioner before making a reference to the Approving Panel under section 274(4)

Part A: Particulars of the Assessee		
1.	Name:	(refer Note 1)
2.	Address:	(refer Note 2)
3.	Permanent Account Number (PAN):	
4.	E-mail Id:	
5.	Contact Number:	Country Code
		Number
6.	Document Identification Number:	
Part B: Other Information		
7.	Status:	(refer Note 3)
8.	Residential Status:	(refer Note 4)
9.	Tax Year(s) in respect of which the proceedings under section 274 are proposed to be invoked:	
	(i) Tax Years for which proceedings are pending:	
	(ii) Other tax years proposed to be covered:	
10.	Date of receipt of Form No. 62 from the Assessing Officer:	
11.	Date of issuance of notice, setting out reasons, by the PCIT/ CIT to the assessee under section 274(2) (copy thereof to be enclosed):	
12.	Date of receipt of final submission from the assessee and dates of hearing provided to the assessee (copy of final submission of the assessee to be enclosed):	
13.	The last date for completion of assessment or reassessment proceedings:	
14.	Detailed reasons for being satisfied that the arrangement is an impermissible avoidance arrangement:	
15.	Other details to be provided as separate enclosure:	(attach as per Note 5)

Part C: Reference to the Approving Panel
<p>Whereas I have received the reference from the Assessing Officer under section 274(1) in Form No. 62 on _____ for declaring an arrangement as an impermissible avoidance arrangement in case of M/s _____ (the assessee), PAN _____, and after considering the explanation of the assessee and all other relevant facts, I am satisfied that the arrangement is an impermissible avoidance arrangement and my satisfaction is recorded in Part A and Part B.</p> <p>I hereby make a reference under section 274(4) to the Approving Panel for declaring said arrangement as an impermissible avoidance arrangement.</p>

Place:

Date:

Signature:

Name of the Commissioner:

Designation:

Notes:

1. The name shall include full name of the assessee.
2. The address shall include flat/door/building, road/street/block/sector, area/locality, post office, town/city/district, state, country and pin code.
3. Fill person status as below: —

(I)	Individual
(II)	Hindu undivided family
(III)	Company
(IV)	Firm
(V)	Association of Persons or Body of individuals, whether incorporated or not
(VI)	Local authority
(VII)	Artificial Juridical Person
(VIII)	Government
(IX)	Trust
(X)	Limited Liability Partnership

4. Fill residential status as below: —

(I)	Resident
(II)	Non-resident
(III)	Resident but Not Ordinarily Resident

5. With respect to Part B (Sl. No. 15), following details shall be provided as annexures, namely: —

Anne xure	Particulars
A-1	Factual matrix of the arrangement in respect of which the reference is being made.
A-2	Details of tax benefit (Tax Year-wise) arising under the arrangement: — (xii) to the assessee; (xiii) to all parties to the arrangement.
A-3	Brief facts in respect of computation of tax benefit.
A-4	Whether obtaining the tax benefit is the main purpose of the arrangement or part of the arrangement?
A-5	Indicate which of the following conditions is satisfied by the arrangement (along with basis of such conclusion): — (v) creates rights, or obligations, which are not ordinarily created between persons dealing at arm's length; (vi) results, directly or indirectly, in the misuse, or abuse, of the provisions of this Act; (vii) lacks commercial substance or is deemed to lack commercial substance under section 180, in whole or in part; or (viii) is entered into, or carried out, by means, or in manner, which are not ordinarily employed for <i>bona-fide</i> purposes.

A-6	Has the assessee been given an opportunity of being heard with regard to the findings given in A-3, A-4 and A-5? If yes, provide the gist of reply furnished by the assessee.
A-7	Consequences in relation to tax likely to arise if the arrangement is declared as an impermissible avoidance arrangement.

6. This form is to be filed by the Commissioner of Income-tax for making reference to the Chairperson, Approving Panel.
7. Some of the information in the form would be pre-filled to the extent possible.