

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

New Delhi, the 6th April, 2022

INCOME-TAX

G.S.R. 275(E).—In exercise of the powers conferred by clause (48) of section 2 and clause (47) of section 10 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 (8th Amendment) Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962 (hereafter referred to as the principal rules), in rule 2F, for sub-rule (3) and (4), the following sub-rules shall be substituted, namely:—

“(3) The Infrastructure Debt Fund shall issue,-

(i) rupee denominated bonds or foreign currency bonds in accordance with the directions of Reserve Bank of India and the relevant regulations under the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) Regulations, 2000, as amended from time to time; or

(ii) zero coupon bonds in accordance with rule 8B.

(4) The terms and conditions of a bond issued by the Infrastructure Debt Fund, —

(i) under clause (i) of sub-rule (3) shall be in accordance with the directions of the Reserve Bank of India and the regulations referred to in the said clause ; or

(ii) under clause (ii) of sub-rule (3) shall be in accordance with rule 8B.”.

3. In the principal rules, in rule 8B, —

(a) in sub-rule (1),-

(i) for the words “infrastructure capital fund”, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;

(ii) for the proviso, the following provisos shall be substituted, namely:-

“Provided that an application shall not be made for notification of a bond which is to be issued beyond a period of two financial years following the financial year in which such application is made:

Provided further that an application made in Form No. 5B shall be disposed of within a period of six months from the date of receipt of such application.”;

(b) in sub-rule (2), for clause (i), the following clause shall be substituted, namely:-

“(i) where the application is made by any infrastructure capital company or infrastructure debt fund or a public sector company, being a Government company defined under clause (45) of section 2 of the Companies Act, 2013 (18 of 2013), a copy of certificate of incorporation under the Companies Act, 2013 (18 of 2013).”;

(c) in sub-rule (3),-

(i) for the words “infrastructure capital fund” wherever they occur, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;

(ii) after clause (v), the following clause shall be inserted, namely:-

“(vi) where the application is made by an infrastructure debt fund, such fund shall along with the application, submit an undertaking that a sinking fund shall be maintained for the interest which will accrue on all the zero coupon bonds subscribed and such interest shall be invested in Government security as defined under clause (f) of section 2 of the Government Securities Act, 2006 (38 of 2006).”;

- (d) in sub-rule (5) for the words “infrastructure capital fund”, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;
- (e) for sub-rule (6), the following sub-rule shall be substituted, namely-
 “(6) Every infrastructure capital company or infrastructure capital fund or infrastructure debt fund or public sector company shall submit within two months from the end of each financial year referred to in sub-clause (i) or sub-clause (ii) of clause (iv) of sub-rule (3), or, as the case may be, in sub-clause (i) or sub-clause (ii) of clause (v) of sub-rule (3), a certificate from an accountant as defined in the *Explanation* to sub-section (2) of section 288, specifying the amount invested in each year in Form No. 5BA.”;
- (f) Explanation below sub-rule (7) shall be omitted;
- (g) after sub-rule (7) the following shall be inserted, namely:—
 “(8) The application in Form No. 5B referred to in sub-rule (1) and the certificate of accountant in Form 5BA referred to in sub-rule (6) shall be furnished electronically either under digital signature or electronic verification code.
 (9) The Principal Director-General of Income-tax (Systems) or Director-General of Income-tax (Systems) shall specify the procedures, formats and standards for ensuring secure capture and transmission of data and shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to furnishing of Form No. 5B and Form No. 5BA.

Explanation.- For the purposes of this rule, the expressions,-

- (i) “discount” and “period of life of the bond” shall have the same meanings respectively assigned to them in clause (i) and clause (ii) of the Explanation to clause (iiia) of sub-section (1) of section 36;
- (ii) "electronic verification code" means a code generated for the purpose of electronic verification of the person furnishing the return of income as per the data structure and standards specified by Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems);
- (iii) "infrastructure debt fund" shall mean the infrastructure debt fund notified by the Central Government in the Official Gazette under clause (47) of section 10 of the Act.”.

4. In the principal rules, in Appendix II, for Form No 5B, the following Forms shall be substituted, namely:—

“FORM NO. 5B

[See sub-rule (1) rule 8B]

Application for notification of a zero coupon bond under clause (48) of section 2 of the Income-tax Act, 1961

1.	Name of the applicant	
2.	Category (Please tick one):	Infrastructure capital company/ Infrastructure capital fund/ Infrastructure debt fund /Public sector company
3.	Address	
4.	Permanent Account Number of the applicant	
5.	Jurisdictional Assessing Officer	
6.	Date of incorporation/registration (Please enclose copy of certificate of incorporation/ registration)	Dd/mm/yyyy

7.	In case of an Infrastructure debt fund in row 2,-										
	(a) date of approval under section 10(47) of the Act		d	d	m	m	y	y	y	y	
	(b) Notification Number of the approved Infrastructure debt fund under section 10(47) of the Act										
8.	Objects of the applicant (Please attach copy of Memorandum/Trust deed, etc.)										
	(a) main objects										
	(b) ancillary objects										
9.	In case of public sector company in column 2 please specify nature of business										
10.	The total number of bonds proposed to be issued										
11.	Amount for which the bond is proposed to be issued										
12.	Amount payable on maturity/redemption of the bond										
13.	Discount [(12) - (11)]										
14.	Period of life of the bond				Years			Months			Days
15.	Financial year during which the bond is to be issued		y	y	y	y					
			y	y	y	y					
16.	The objects of issue of the bonds										
17.	Details of investment proposed to be made:										
S. No	Name of entity in which Investment is proposed to be made	Nature of entity in which Investment is proposed to be made 1.Public Sector Company 2.Other company 3. Any other enterprise or undertaking or entity	PAN/Aadhaar of the entity in which investment is proposed to be made	Address of the entity in which investment is proposed to be made	Nature of business of the entity in which investment is proposed to be made	Details of Address/Location of Project (Add rows in case of multiple projects within a company/undertaking/entity)					
(i)	(ii)	(iii)	(iii)	(iv)	(v)	(vi)					
Planned date of commencement of Project		Planned date of Commence	Date of commencement of	Source of Investment :		Details of management responsible for execution of project:					

(dd/mm/yyyy)	ment Operations (dd/mm/yyyy)	commercial operations of project (dd/mm/yyyy) [Applicable in case of Infrastructur e Debt Fund]					(Attach organisation structure chart)			
(vii)	(viii)	(ix)	(x)				(xi)			
			S. No.	Source	Amount (In Rs)	S. No.	Designation 1. Director 2. Trustee 3. Others	Name	Qualifi- cation	
			1.	Zero Coupon Bond		(i)	(ii)	(iii)	(iv)	
			2.	Own Funds		Experience and Performa nce				
			3.	Other loan and borrowings			Name	Address	PAN/Aadhar	
			4.	Issue of rupee denominat ed bonds		(v)	(vi)	(vii)	(viii)	
			5.	Issue of foreign currency bond						
			6.	Others (Specify)						
			Total							
Amount of funds realised by issue of Zero Coupon Bond proposed to be invested project wise in (Select the first Financial Year)										
Name of Project	Financial Year 1 (Rs)	Financial Year 2 (Rs)	Financial Year 3 (Rs)	Financial Year 4 (Rs)	Financial Year 5 (Rs)	Financial Year 6 (Rs)				
(xii)	(xiii)	(xiv)	(xv)	(xvi)	(xvii)	(xviii)				
Whether copy of the project report is available? (xix)					Yes/no					

(Write "not applicable" against the column or columns which are not relevant to the applicant.)

Declaration

- I certify that the information furnished above is true to the best of my knowledge and belief.
- I undertake on behalf of _____ (write the name of the applicant) being a Infrastructure capital company/ Infrastructure capital fund/ Infrastructure debt fund- /Public sector company (Select the relevant option) that the money realised on issue of such bond shall be invested in accordance with clause (iv) or clause (v) of sub-rule (3) of rule 8B of the Income-tax Rules, 1962.

6.	Date of issue of Zero Coupon Bond	Dd/mm/yyyy
7.	Amount realised vide issue of Zero Coupon Bond (in Rs)	
8.	Details of Investment made out of the funds realised by issue of zero coupon bond	

S.No	Name of Entity in which Investment has been made	Nature of entity in which Investment has been made 1.Public Sector Company 2.Other company 3. Any other enterprise or undertaking or entity	PAN/Aadhaar of entity in column (ii)	Address of entity in column (ii)	Nature of business of entity in column (ii)	Address/Location of Project	Date of commencement of Project (dd/mm/yyyy)	Date of Commencement of Operations (dd/mm/yyyy)	Date of Commencement of Commercial Operations (dd/mm/yyyy) (In case of infrastructure debt fund)	Amount of funds raised by issue of Zero Coupon Bond invested across financial years (In Rs)					
										Financial Year 1:yyyy	Financial Year 2: yyyy	Financial Year 3: yyyy	Financial Year 4: yyyy	Financial Year 5: yyyy	Financial Year 6: yyyy
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)	(xi)	(xii)	(xiii)	(xiv)	(xv)	(xvi)

2. I/We certify that the(name of the infrastructure debt fund) has maintained a sinking fund for all accrued interest on the money realised on issue of the zero coupon bond which has been invested in liquid instruments [Only to be filled in case applicant is infrastructure debt fund, strike off if not applicable].

Signature :

Name:

Name of the company/fund:

Address:

Registration No.:

Note :

To be signed and verified by an accountant (other than employee) as defined in the Explanation below sub-section (2) of section 288 of the Act.”.

[Notification No. 28/2022/F. No. 370142/4/2022-TPL]

NEHA SAHAY, Under Secy.

Note : The principal rules were published in the Gazette of India Extraordinary, Part III, section 3, sub-section (ii), vide notification number S.O. 969 (E), dated the 26th March, 1962 and last amended vide notification number G.S.R. 274 (E) dated the 5th April, 2022.